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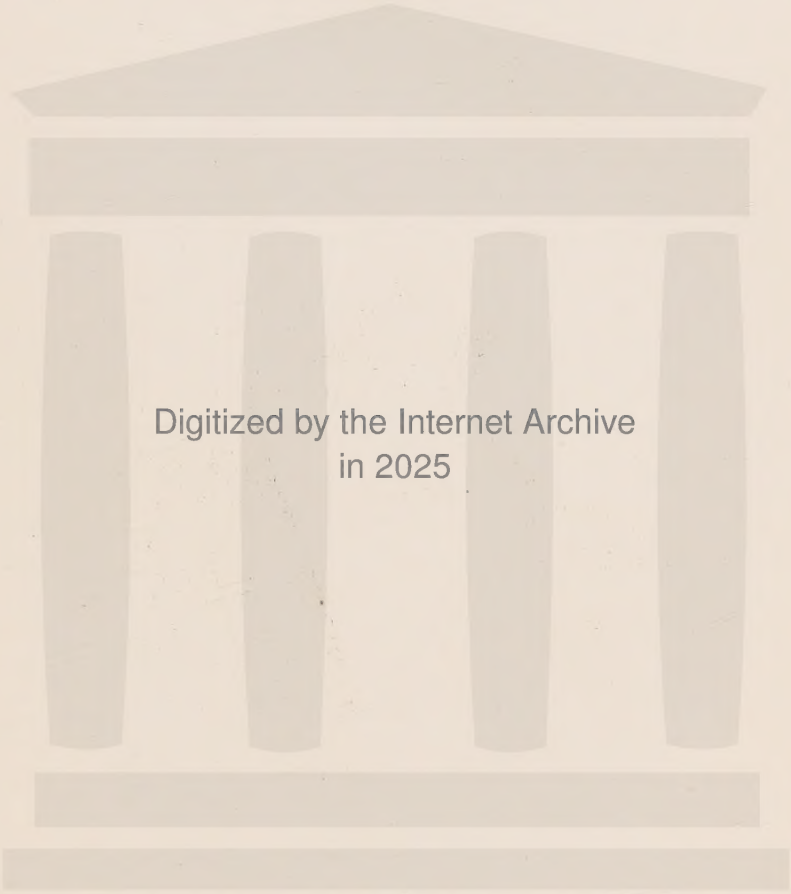

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THEODORE D. JUDAH

From a photograph in the possession of F. S. Judah, his grandnephew.

VOL. IV, No. 3 SEPTEMBER, 1925

California Historical Society Quarterly

A SKETCH OF THE LIFE OF THEODORE D. JUDAH

The career of Theodore D. Judah, projector and first Chief Engineer of the Central Pacific Railroad, has received but scant attention from the conventional historian. "Charlie" Crocker "roaring up and down the line like a mad bull"; Huntington, fighting for ships and whipping congressmen into line; Stanford keeping track of home politics, and Hopkins cannily watching over finances—these more or less dramatic figures have long monopolized the attention of most observers. It was no accident, however, that placed in their hands feasible engineering plans, or that presented them with an Act of Congress affording unprecedented and extraordinary facilities for putting these plans into execution. Indeed, now that they are gone, and now that the atmosphere of conflict in which they moved has at last partially cleared away, it becomes more and more evident that Judah, the young engineer (he died at thirty-seven), was the pivotal figure,—that without his years of study and exploration, without his skill, perseverance and foresight, the "Big Four" would never have been. They formed a remarkable quartet, each one peculiarly fitted for the particular phase of the work which he undertook; but without detracting a whit from their renown, it seems probable that the future historian, seeking for causal relations, will assign to Judah an important place in the development of California and in the transformation of the "Pacific Railroad" dream into actual rails and rolling stock.

Early Life (1826-1854)

Theodore Dehone Judah[1] was born in Bridgeport, Connecticut, on

[1] Bishop Theodore Dehone, of Virginia, was a close friend of his parents. For incidents of Judah's early life, see letter of Mrs. T. D. Judah, in *Themis,* December 14, 1889, hereinafter cited as "Mrs. Judah's letter." (This letter, in manuscript form and containing certain minor passages not included in the published letter, is filed in the Manuscript Division of the Bancroft Library, University of California.) See also the sketch of Judah's career by William E. Curtis, in the *Los Angeles Times,* Nov. 19, 1909, hereinafter cited as "Curtis Sketch."

Brigadier General Henry M. Judah, of Civil War fame, was a brother of Theodore, and was a graduate of West Point, while another brother, Charles D. Judah, came to California in 1849 and became junior partner of the well-known early law firm of Hackett and Judah. He was later associated in practice with John Nugent, and his son, H. R. Judah, was long connected with the passenger department of the Southern Pacific Company, his son in turn being a member of the well-known present day travel and information bureau of Peck-Judah Company.

March 4, 1826, the son of an Episcopal clergyman who removed to Troy, New York, while Theodore was still a boy. Although originally destined for the navy, the youth turned to engineering and was graduated from the Rensselaer Polytechnic Institute of Troy. Upon his father's death the rest of the family moved to New York City, but an opportunity for practical experience presented itself in Troy, and he therefore remained there and assisted in the construction of the pioneer Troy and Schenectady Railroad under the direction of the then noted engineer, S. W. Hall.

From this time until the day of his death, Judah was actively and continuously engaged in railroad planning and construction. It was a period of great railroad expansion, and he was connected at different times with the New Haven, Hartford and Springfield Railroad, the Connecticut River Railway, the Erie Canal—of which he superintended the construction of the section between Jordan and Seneca—and several other projects of moment. He also erected a large bridge at Vergennes, Vermont, and later planned and built the Niagara Gorge Railroad, then considered a remarkable engineering feat.

While in Greenfield, Massachusetts, in connection with the construction of the New Haven, Hartford and Springfield line, he met Miss Anna Ferona Pierce, daughter of a local merchant, and on May 10, 1847, they were married in St. James Episcopal Church, at Greenfield. After residing for a time in the town of Niagara Falls,[2] the young couple moved to Buffalo, where Judah took charge of construction on the line of the Buffalo and New York Railway, now a part of the "Erie" system. It was from here that he was called to California in 1854.[3]

The Sacramento Valley Railroad (1854-1856)

It seems that in 1852 a group of optimistic Californians, including the young Captain William T. Sherman, had formulated plans for a key railroad from Sacramento east and north along the foothills to

[2] Says Mrs. Judah in her letter: "Our cottage on the banks of the river, between the falls and the suspension bridge, is still there, with the beautiful view of both falls and whirlpool rapids below the bridge. He selected the site, built the cottage, there had his railroad office and did his work for that, in those days, wonderful piece of engineering."

[3] A fragment from Judah's pre-California career exists in the shape of a small cloth-bound booklet, 3¾ x 5¾ inches in size, entitled *Judah's Tables of Land Areas,* printed at Niagara Falls, New York, in 1851. The Library of Congress copy is inscribed "Respects of T. D. Judah." It contains two large folding tables, one giving areas in acres, rods and decimals of rods, the other areas in acres and decimals of acres. The accompanying explanation declares that these tables "will be found of great use to the Engineer, Surveyor, Land Commissioner, Land Agent and Farmer." The price was fifty cents.

tap the rich placer mining regions of the lower Sierra slopes. Marysville was to be the first objective, with later branches to Coloma and Nevada City, and possible extensions north toward Shasta and south via Stockton to San Francisco. Such a railroad, it was believed, would control all the interior trade of California, and under the title "Sacramento Valley Railroad," a corporation was formed and a quantity of stock was sold.[4]

The need for a competent and thoroughly experienced railroad engineer soon manifested itself, and, after a reorganization of the company in 1853, Col. Charles L. Wilson, President of the road, and one of its most active promoters, was sent to New York to find such a man. On his arrival, early in 1854, Governor Horatio Seymour and his brother, Col. Silas Seymour, both of whom had known Judah and had followed his work, recommended the young man for the place and telegraphed him to come to New York for an interview. He went, and three days later Mrs. Judah received the following telegram, "Be home tonight; we sail for California April second."[5]

Three weeks later they were on their way, going by the Nicaragua Route.

Proceeding at once to Sacramento, Judah entered upon his new labors with a characteristic energy.[6] While in the East, Colonel Wilson had made arrangements for the purchase of materials and rolling stock, and a preliminary survey was immediately begun. On May 30 Judah reported that he found the line to Mormon Island more favorable than any he had ever before run, with no deep cutting to be done nor any high embankments to be constructed, and that the grade was almost as

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[4] See *Articles of Association and Estimate of Receipts* on this road, published in New York, 1853, pp. 16 (Vol. VII, No. 6, of Pamphlets on California Railroads, Bancroft Library, University of California) and *Report of Committee of Board of Directors of the Sacramento Valley Railroad Company,* August 7, 1855 (Vol. 4, Railroad Pamphlets, No. 3, California State Library, Sacramento, and Vol. VII, No. 8, of Pamphlets on California Railroads, Bancroft Library, University of California). Any extended account of the building of this first California railroad is, of course, beyond the scope of this article, and this line will be dealt with only as it touches the career of Judah. For details regarding this and other early California Railroads see Bancroft, *Chronicles of the Builders,* Vol. VI, p. 116 et seq.

[5] Mrs. Judah writes: "You can imagine my consternation on his arrival that night. It was all laid out in these words: 'Anna, I am going to California to be the *pioneer railroad engineer* of the Pacific coast. It is my opportunity, although I have so much here.' He had always talked, read and studied the problem of a continental railway and would say, 'It will be built, and I am going to have something to do with it.' "

[6] The Sacramento City Directory of 1854 lists Judah as Chief Engineer of the Sacramento Valley Railroad with offices in the "Hastings Building, second floor." This building stood on the southwest corner of Second and J Streets.

regular and uniform as an inclined plane.[7] He estimated the cost at $33,000 per mile, including everything necessary to place the road in complete running order, with proper rolling stock,[8] and stated that he calculated the cost of operating the road at about three times what it would be in the Atlantic States. Counts of freight and passengers actually moved by team or stage over certain selected routes during the week ending May 29 were included, such data being at the time considered a proper basis for estimating the probable earnings of a railroad project in this new country where no actual railroad experience was available,[9] and the report concluded: "With such a Road and such a business, it is difficult to conceive of a more profitable undertaking," while the press declared:

> Everything promises favorably, and the engineers are going forward immediately to determine the absolute locality of the line with the view of placing it in a short time in a position to advertize for the letting of contracts.[10]

The "location" was rapidly surveyed and staked. By June 20 the surveyors had reached Alder Creek, eighteen miles out,[11] and Judah proposed to cross the American River at a point just above Negro Bar, near certain large "leads" of the finest building granite. On November 24, 1854, the well-known eastern firm of railroad contractors, Robinson, Seymour & Company signed a contract to furnish all things necessary to put the initial project in proper running condition,[12] including rails, rolling stock and buildings, for the total sum of $1,800,000, of which $800,000 was to be paid in capital stock at par, and $700,000 in ten per cent twenty-year bonds.[13]

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[7] *Report of the Chief Engineer on the Preliminary Surveys and Future Business of the Sacramento Valley Railroad,* by T. D. Judah, May 30, 1854, a pamphlet of 21 pages. (No. 7, Vol. 7, California Railroad Pamphlets, Bancroft Library, University of California.) These favorable conditions, said Judah, "establish some general facts usually regarded as important elements of success in the future prosperity of any Railroad enterprize." These were: "1st. Ability to run trains with rapidity; 2d. Capacity to carry heavy loads; 3d. Present economy in cost and time of construction; 4th. Ultimate economy in the cost of operating and maintenance, facts which bear with peculiar weight upon the future operations of your Road."

[8] This estimate was much too low, as Judah himself soon discovered. See below for October re-estimate.

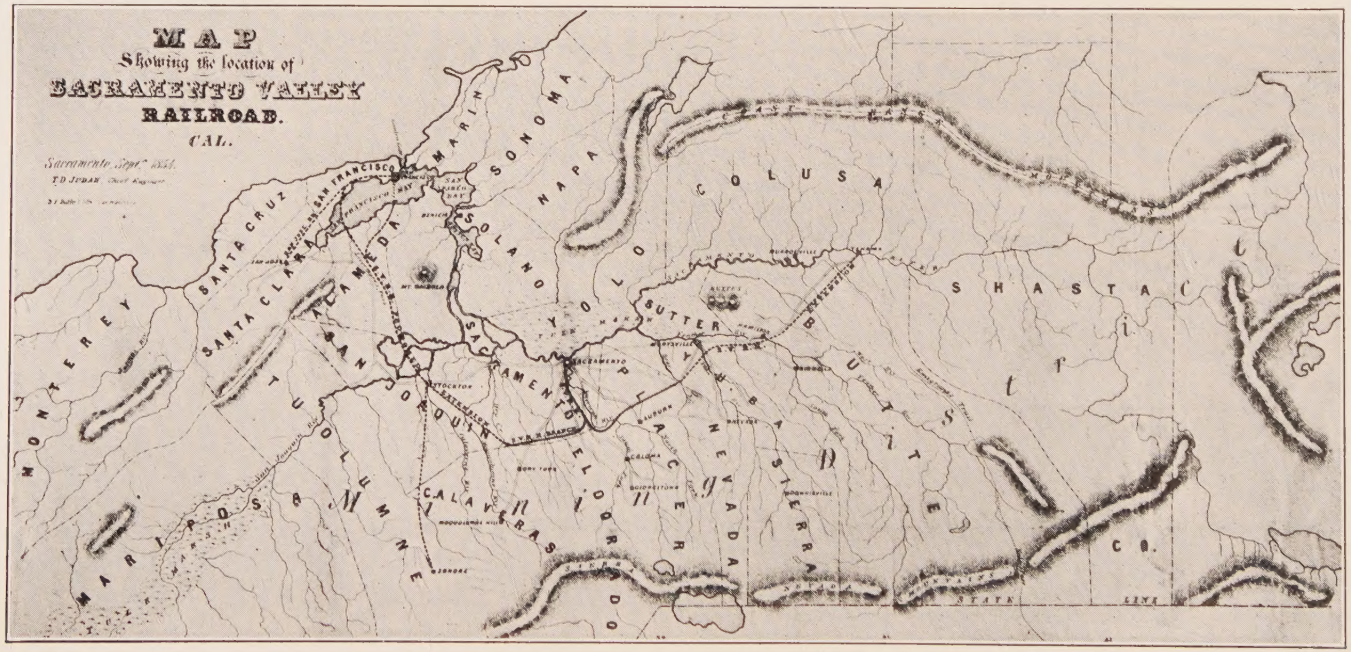
[9] See Daggett, *History of the Southern Pacific,* page 17, for a criticism of this method. Speaking of Judah's later Central Pacific estimates, Daggett declares that Judah "had no greater facilities than other engineers of the time, and in his own estimates followed the prevailing custom."

[10] *Daily Alta California,* June 5, 1854 (quoting from the *Sacramento Union*).

[11] *Sacramento Union,* June 20, 1854, the editor adding: "Mr. Judah is pushing the survey and location with as much rapidity and energy as is consistent with correctness."

[12] *Sacramento Union,* Oct. 28, 1854. See *Daily Alta California,* Sept. 9, 1854, for advertising notice for proposals for grading and superstructure construction. These were really proposals for subcontracts.

[13] See *Report of Committee of Board of Directors of the Sacramento Valley Railroad Company,* August 7, 1855.



Photograph (largely reduced) of a map included in Judah's second Sacramento Valley Railroad Report (1854)

This meant a total final cost to the company of $45,000 per mile, which tallied closely with Judah's re-estimate that the costs on the first division of twenty miles would total $870,000 or $43,500 per mile.[14] As soon as the "location" was completed to Negro Bar, Judah proceeded to obtain the right of way. Actual grading commenced on February 12, 1855,[15] and a week later a hundred men were at work, with the prospect of a force of five hundred within a short time.[16] By the time of the arrival of the first consignment of rails and rolling stock on the clipper ship "Winged Racer," in June, the grading was half completed to Negro Bar,[17] but the financial troubles of this disastrous year delayed the work considerably.[18] On August 9, however, the first rail was laid, and two days later Judah, assisted by three other officials of the company, Messrs. Robinson, Morse and Carroll, carried a handcar to the tracks and took the first railroad ride in California —a distance of four hundred feet.[19] Soon the locomotive *Sacramento* was landed on the levee, and on August 17 a trial trip to Seventeenth street was made,[20] while on the 19th a delegation from San Francisco was taken for a thrilling and dusty ride to the terminus of construction.[21] By January 1, 1856, the line was complete and in operation to Alder Creek, eighteen miles from Sacramento[22] and receipts were averaging "upwards of $200 daily."[23] The bridge over the creek being soon completed, it took but a few more days to finish the line four miles farther to Folsom, which was reached early in February and was the scene of a grand opening excursion and ball on Washington's birthday.[24]

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[14] *Sacramento Union,* Oct. 28, 1854.

[15] *Sacramento Union,* Feb. 9, 1855.

[16] *Daily Alta California,* Feb. 17, 1855. Re delay by rain see *ibid,* March 21, 1855.

[17] *Sacramento Union,* June 6, 1855. Various minerals were encountered along the line, the editor of the *Sacramento Union* remarking, on March 28, 1855: "On yesterday was exhibited to us by Mr. Judah a handsome ring, manufactured from gold found on the direct line of the railroad now in process of construction between this city and Negro Bar." It bore the inscription "Sacramento Valley Railroad, March 4th, 1855, First gold ever taken from earth used in making Railroad bank" and was evidently a souvenir of Judah's twenty-ninth birthday.

[18] A large amount of stock was forfeited for non-payment of assessments (*Daily Alta California,* July 30, 1855), and at one time the contractors, in order to protect their interests, filed suit for unpaid balances, and attached all the company's property (*Daily Alta California,* October 18 and 25, 1855).

[19] *Sacramento Union,* Jan. 1, 1856. (In resumé of events of the preceding year.)

[20] *Ibid.*

[21] *Daily Alta California,* August 20, 21, and 22, 1855.

[22] *Sacramento Union,* Jan. 1, 1856.

[23] *Daily California Chronicle,* Jan. 17, 1856.

[24] *San Francisco Herald,* Feb. 24, 1856 (and other contemporary journals).

Had it not been for the monetary crises of 1855, this might have been but a beginning. As it was, the cost of these first twenty-two miles had averaged nearly $60,000 a mile, and although for a time the line was fairly profitable,[25] the placer mines of the foothill region were deteriorating rapidly. It is probable that even as late as 1858 the company intended to extend its line,[26] but the time was not ripe, and Folsom remained the permanent terminus.[27]

Considering the fact that every rail and car had to be brought by sailing vessel a distance of eighteen thousand miles, and also considering the high cost of materials and labor in California, and the near-panic which brought ruin to many enterprises in 1855, the construction of this first California railroad appears to have been a creditable performance. Its profits were largely eaten up, however, by high carrying charges in the form of interest, an error in financing which the "Big Four" took care to avoid on the Central Pacific, very probably owing to Judah's intimate knowledge of the difficulties encountered by the Sacramento Valley line.

First Steps Toward the Pacific Railroad (1856-1859)

The details of Judah's career from the time he left the Sacramento Valley Railroad shortly before its completion to Folsom,[28] until the opening of the Pacific Railroad Convention in San Francisco in September, 1859, cannot be followed with complete accuracy. His first

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[25] "The road was a very profitable one from the date of its completion. The effect was to move the terminus of the stage and freight lines running to the northern mines to Folsom, building up quite a town at that point. At one time twenty-one different stage lines were centered at Folsom, all leaving shortly after the arrival of trains from Sacramento." Davis, Hon. W. J., *History of Sacramento County,* p. 119.

[26] See article on this railroad in the Sacramento Directory, 1857, p. 8, also, article entitled "Correspondence from the Interior," in the *Daily Alta California,* May 23, 1858, in which it is declared that the road was then in a prosperous condition, and that a contract for construction from Folsom to the Yuba River had actually been let. As above stated, however, this plan was never carried into execution.

[27] For more general discussions of this railroad, see Davis, Hon. W. J., *History of Sacramento County,* Chicago, 1890; Bancroft, *History of California,* Vol. VII, pp. 537, et seq.; and Hittell, *History of California,* Vol. IV, pp. 452-3. The line was finally sold to the Central Pacific Railroad Company in 1865, and forms the first twenty miles of the present Placerville Branch of the Southern Pacific Railroad. See Report of President, Trustee and Superintendent of this railroad dated December 31, 1860, a pamphlet of thirty-one pages, recounting the difficulties already surmounted but breathing optimism as to the future. (Vol. VII, No. 9, of Pamphlets on California Railroads, Bancroft Library, University of California.)

[28] See evidence of L. L. Robinson (March 7, 1865) taken for the Railroad Committees of House and Senate of the First Nevada Legislature in pamphlet entitled *Evidence Concerning Projected Railways Across the Sierra Nevada Mountains from Pacific Tide Waters in California,* p. 205 (Vol. IV, No. 9 of Pamphlets on California Railroads, Bancroft Library, University of California).

task during this period, however, was the preliminary survey of the route selected for the "San Francisco and Sacramento Railroad," a project largely fathered by citizens of the then moribund venture in city building at Benicia, and of which Judah became Chief Engineer.[29] This proposed line was to run west from Washington (just across the river from Sacramento) to Putah Creek at Davis' ranch, thence to the Montezuma hills, and past the village of Cordelia to Benicia, very nearly the route later followed by the Southern Pacific Company's main line.[30] Arrangements were to be made for connection at Benicia with water transportation by vessel, and Judah characterized his survey in his report to the stockholders as "establishing not only its entire practicability, but developing many new features to be regarded as highly favorable in the construction of your Road."

The cost of this line was estimated at $51,707 per mile, "fully built, equipped, graveled and fenced," with a total cost of approximately $3,000,000. Estimates of revenue based, as in the case of the Sacramento Valley Railroad, on traffic counts over wagon routes and river boat lines, showed, according to Judah, a prospect of 200 through, and 50 way passengers, each way, per day, and 400 tons of through, and 100 tons of way freight per day. At Sacramento connection would be made with the Sacramento Valley line which, the report declared, proposed eventually to extend north "as far as Shasta," and which, it was thought, must soon extend to Marysville on account of the falling off of the river at that point and the consequent impediment to navigation. Of peculiar interest in view of Judah's later career is his statement that:

> There is still another light in which your Road may be viewed, which adds additional importance to and argues still more favorably in favor of this enterprize. It is its connection with the great Pacific Railroad. This subject has been a fruitful source of discussion and has for a long time engaged the attention of many distinguished individuals, both here and at [sic] the East.
>
> While the partizans of the various localities differ as to the merits of their respective routes, all concur in the great importance and absolute necessity of the early construction of this great work. The limits of this report will not admit of a discussion as to the relative merits of these routes, but if built upon any but the Southern route, your Road will be the grand avenue of approach to the metropolis of the Pacific. Viewed in this connection, it assumes an importance which will not fail to commend it to the attention of all clear thinking and sagacious men, and there is no doubt but if proper exertions were made in the

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[29] The officers of this road were at this time: Richard Chenery of San Francisco, President; A. B. Forbes, of San Francisco, Vice President; Charles P. Stone, of Benicia, Treasurer and Secretary, and Theodore D. Judah, of Sacramento, Chief Engineer. At the head of the list of directors was General M. G. Vallejo, of Sonoma, and six of the others came from Benicia, with one listed from "Yolo County," four from San Francisco and one (Judah) from Sacramento.

[30] See *Report of the Chief Engineer upon the Preliminary Survey, Revenue and Cost of Construction of the San Francisco and Sacramento Railroad,* dated at San Francisco, Feb. 1856 (32 pages and 8 page appendix). (Vol. VII, No. 11 of Pamphlets on California Railroads, Bancroft Library, University of California.)

right quarter, that the aid of government would be cheerfully extended to facilitate the construction of this, as of all other Railroads in California tending to hasten the completion of the great Pacific Railroad, by a donation of public lands for the public good.[31]

In addition to his connection with this Benicia project it has been declared that Judah, during this period, surveyed the lines for, or assisted in the construction of the California Central Railroad between Folsom and Marysville,[32] and the Benicia and Sacramento Valley Railroad Company, projected from Marysville to Benicia;[33] that he laid out the line later followed by the Southern Pacific Railroad from San Francisco to San Jose,[34] and that at the time of the Pacific Railroad Convention of 1859 he was Chief Engineer of a line known as the "Sacramento Valley Central Railroad."[35]

L. L. Robinson, in giving evidence to the first Legislature of Nevada on the question of aid to railroads from California, declared that after Judah had busied himself with these various projects, and "after all other employment failed him," the then Trustee[36] and Superintendent[37] of the Sacramento Valley Railroad hired him "to explore the Sierra Nevada Mountains for routes for wagon roads north of the South Fork of the American River, and at the same time to act as agent for the Sacramento Valley Railroad Company in soliciting freight."[38] This is perhaps true, for we know that Judah did make certain explorations in the mountains during this period,[39] but Robinson's statements regarding him should perhaps be taken *cum grano salis* in view of the later ill

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[31] *Ibid.* p. 31.

[32] The California Central was organized by largely the same group that had built the Sacramento Valley Railroad, with C. L. Wilson at their head. (See regarding this railroad the report of its Chief Engineer, W. S. Watson, dated at Oroville, July 30, 1859, in Vol. VI of Railroad Pamphlets, California State Library, Sacramento. See also report of Chief Engineer of the San Francisco and Marysville Railroad Co., Marysville, May 10, 1860.) L. L. Robinson also mentions Judah's connection with the California Central. (See Nevada Pamphlet, cited *supra,* p. 205.) Bancroft (*Chronicles of the Builders,* Vol. VI, p. 121) declares that in 1858 Judah commenced a survey for a branch road from Auburn to some point on the California Central, but that the project had to be abandoned because of its high estimated cost.

[33] *San Francisco Chronicle,* March 7, 1856, perhaps a confusion with the San Francisco and Sacramento Railroad above mentioned.

[34] This is very doubtful, but see introduction to Mrs. Judah's letter.

[35] *Sacramento Union,* Sept. 24, 1859. Details as to this road have not been discovered.

[36] J. Mora Moss.

[37] J. P. Robinson.

[38] Nevada Pamphlet, *supra,* p. 205.

[39] See testimony of Dr. D. W. Strong of Dutch Flat, cited *infra.*

feeling between the two over the ownership of the discoveries made during Judah's railroad explorations in these regions.[40]

Apart from his professional efforts in California, we know that during this period Judah attended three sessions of Congress in aid of the Pacific Railroad project and of a grant of land to California to assist in the construction of railroads in that state;[41] that the first trip to the Atlantic states was in 1856;[42] that he was in Washington in 1857[43], and that he was there again in the spring of 1859.[44] We also know that his youthful interest in the general subject of a Pacific Railroad developed during this period into almost an obsession.[45] That this should be true is perhaps but natural, for to an ambitious young man this vast problem and project offered exceptional opportunity for a

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[40] Robinson says (Nevada pamphlet, *supra,* p. 205) that during Judah's exploring service for the Sacramento Valley Railroad, "he projected what is now known as the 'Dutch Flat Route' across the mountains, and made a report in regard to it which was printed in the newspapers without the consent or knowledge of the parties who were employing him. The Trustee of the Sacramento Valley Railroad Company, deeming this information acquired by Mr. Judah the property of that company, and that the report should have been made to that company, instructed the Superintendent to discharge Mr. Judah; which was done. Mr. Judah was very indignant at being dismissed. Mr. Judah, from that time exerted all his energies toward building a railroad across the mountains . . . " (See also discussion, *infra,* of Robinson's insinuations anent Judah after the latter's death.)

[41] See Judah's *Report to the Executive Committee of the Pacific Railroad Convention of 1859,* reprinted in the *Sacramento Union,* July 25, 1860, in which he mentions having been in Washington on these errands during the three previous sessions of Congress. Mrs. Judah, in her letter, mentions "his four trips to Washington," evidently including that of 1861-2. Much light on Judah and the Pacific Railroad movement could, no doubt, be obtained from a scrutiny of the minutes and records of the House and Senate Committees on this and related subjects during these years. It has been impossible for the present writer to accomplish this.

[42] See Mrs. Judah's letter.

[43] See later discussion of Judah's 1857 articles in Washington.

[44] Curtis declares that Judah spent the time from the spring of 1856 to the fall of 1859 in Washington "lobbying." This statement is, no doubt, erroneous, as he was unquestionably in California much of the time during this period.

[45] Says Mrs. Judah: "Everything he did from the time he went to California to the day of his death was for the great continental Pacific railway. Time, money, brains, strength, body and soul were absorbed. It was the burden of his thought day and night, largely of his conversation, till it used to be said 'Judah's Pacific Railroad crazy,' and I would say, 'Theodore, those people don't care,' or 'you give your thunder away.' He'd laugh and say, 'But we must keep the ball rolling.' "

In this connection, Mr. John A. McIntire, of Sacramento, a former associate of Newton Booth in the wholesale grocery business in that city, states in a letter to the present writer, dated May 9, 1925, that during an early visit to Sacramento in 1861 or 1862, he was standing on 7th Street with Booth, when the latter said, "There comes crazy Judah." Young McIntire had never seen an insane man, and was therefore much interested, and since Judah's conversation with them seemed particularly sane and lucid, he inquired the reason for Booth's remark, and was told that Judah was a skilled engineer, but was so persistent in his efforts in favor of a railroad across the mountains to connect with the eastern states that he had become almost a monomaniac upon the subject. Booth said he had been forced to tell Judah not to approach him on the subject again.

career. Everyone was talking Pacific Railroad and hoping for its early completion, and, as Bancroft expressed the situation:

> The sunburnt immigrant, walking with his wife and little ones beside his gaunt and weary oxen in mid-continent; the sea-traveler pining on ship-board, tortured with *mal de mer;* the homesick bride, whose wedding trip had included a passage of the Isthmus; the merchant whose stock needed replenishing; the miner fortunate enough to be able to return home—everyone, except, of course, the men of the Pacific Mail Steamship Company, prayed for a Pacific railroad. And they did nothing else but pray, when it is a well-known maxim that the gods wait for a beginning before they lend their aid.[46]

Judah made the beginning. If he was a dreamer, he was an exceptionally practical one, and if he was "Pacific Railroad crazy," his insanity had peculiarly sane results, for the gods had assuredly set their wheels in motion before he passed from the scene.[47] The Pacific Railroad problem was at just this time receiving a great deal of consideration in Washington because of the insistent and growing demand from all sections of the country that something definite be done.[48] In 1853 Congress had appropriated $150,000 for use by the then Secretary of War, Jefferson Davis, in the exploration of certain routes from the Middle West to the Pacific Ocean. Later in that year, no less than five separate expeditions set forth on this important mission. The "Northern Trail," the "Mormon Trail," the "Buffalo Trail," which Senator Benton had oratorically advertised, the "Thirty-fifth Parallel Route," and the "Southern Trail,"—all these were carefully explored, and detailed reports of the expeditions were published—a total of thirteen large volumes. Barometric reconnoissances were made and estimates of the cost of construction were prepared, with numerous lithographic illustrations to embellish these reports, which include studies of weather, fauna, flora, geology and other phenomena encountered along the several routes.[49]

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[46] *History of California,* Vol. VII, p. 542.

[47] One of Judah's staunchest friends and supporters throughout his California career was Mr. Lauren Upson, Editor of the *Sacramento Union.* Mrs. Judah writes of Upson as Judah's "first friend and counselor, always ready to publish anything he wanted to say on railroads, etc."

[48] There will, of course, be no attempt to review the "Pacific Railroad Movement" in the present article, save as it affected Judah's career.

[49] See *Reports of Explorations and Surveys to ascertain the Most Practical and Economical Route for a Railroad from the Mississippi River to the Pacific Ocean, made under the Direction of the Secretary of War in 1853-56,* Washington, 1855-61, twelve volumes in thirteen.

Cowan says of these reports: "The title conveys but little idea of the value of this great work. These explorations were among the most extensive and elaborate conducted by the United States Government. The reports embody descriptions of every possible feature of the physical and natural history of the vast country traversed. Many of the numerous plates are beautifully colored, which feature adds greatly to the interest of the work."

See Albright, Geo. L., *Official Explorations for Pacific Railroad,* University of California Press, 1921, which contains an account of these explorations. Also, Sabin, Edward L., *Building the Pacific Railway,* (1919) pp. 24-26 incl.

Spectacular as were these explorations, and valuable as were these magnificent reports from the point of view of general interest, it is doubtful if an equal amount of energy was ever spent with so small a crop of positive results. It had been found that the southern route was the most adapted to economical construction, and Secretary of War Davis was bitterly accused of partiality. The charge was probably unfounded, for reasons not necessary to be considered here, but many sectional prejudices which had formerly been semi-quiescent were nevertheless thus brought into active and violent life. More than ever, it now seemed apparent that agreement upon any single route was impossible.

Moreover, it was not generally understood that these elaborate expeditions were but the introduction to a solution of the problem. Many otherwise well-informed persons appeared at the time to believe that with these reports as a basis a Pacific Railroad could now momentarily be expected to spring, Pallas-like, into existence. But to Judah, the reconnoissances appeared in their true light. He saw clearly that only a beginning had been made—that what had been done amounted to the first rather than the final step—and he recognized that which seems self-evident as we look back on the situation from the present point of vantage, i. e., that something far more definite and complete than these reports was requisite before the great project could be expected to obtain support more tangible than congressional oratory.

With this thought in mind, Judah proceeded to set forth what he considered the practical conditions precedent to success in a pamphlet which he published in Washington in 1857 and distributed to members of Congress and others during the session of that year.[50] In this pamphlet he stated that the project for the construction of the Pacific Railroad, which he characterized as "the most magnificent project ever conceived," had at that time been "in agitation for over fifteen years," and that

> Our wisest statesmen, most experienced politicians, scientific engineers, and shrewdest speculators, have each and all discussed the subject in nearly every point of view, and given the results of their wisdom and experience to the world.
>
> Yet—
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> Their projects have proved abortive. Their schemes have failed. The world has listened with attentive ears to the words of eloquence and wisdom, from the lips of great and wise men.
>
> Yet—
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> This project has not been consummated. The road has not been finished. It has not been begun. Its practicability has not been established. A survey has not been made. It has simply been made the subject of reconnoissance.

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[50] This pamphlet is entitled, *A Practical Plan for Building the Pacific Railroad, By T. D. Judah, Civil Engineer,* San Francisco, January 1, 1857. Washington, D. C., Henry Polkinborn, Printer, 1857. The only copy known to the present writer is that of the Library of Congress, bound with other contemporary railroad pamphlets in Vol. 29 of "Technology Pamphlets".

The reason for the failure to complete the project, in view of its importance, popularity, practicability and probable profits, thought Judah, was occasioned by the fact that all the plans as yet put forth had been speculative in their nature. "The people," said he, "are disposed to look with distrust upon grand speculations." Moreover, there had been jealousy between different interests and localities, "unwilling to make common cause upon a common route," and private capitalists had lacked confidence in the hazy schemes as yet proposed.

He then proceeded to unfold his plan to build the Pacific Railroad within ten years and to raise sufficient capital therefor from private sources. The problem, thought he, was to divest the project of its speculative features and to conquer sectional prejudices. Said he:

> No one doubts that a liberal appropriation of money or of public lands by the General Government ought to insure construction of this railroad, but the proposition carries the elements of its destruction with it; it is the house divided against itself; it cannot be done until the route is defined; and, if defined, the opposing interest is powerful enough to defeat it.[51]

As for the proposal that three separate roads be constructed, Judah declared that three were not needed and that while "the time may come when three roads may be required," such construction would at that time be a mere waste of money. Since petty politicians could be placated only by some such measures, his proposal eliminated governmental aid as a condition precedent to success. Confidence, said Judah, was all that was needed to draw sufficient funds from private sources.[52]

But how obtain this confidence in such an enormous project? By *facts,* declared the young engineer—*facts* based on solid foundations. The real reason that private money had not hitherto been obtainable was that no *survey* had yet been made upon which capitalists could base accurate cost calculations, for, says Judah with mild irony, as his mind turns to the beautiful volumes of the Pacific Railroad Exploration Reports:

> When a Boston capitalist is invited to invest in a railroad project, it is not considered sufficient to tell him that somebody has rode over the ground on horseback and pronounced it practicable.

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[51] Regarding sectional jealousies, a further paragraph is of interest. Says Judah: "The same policy is observable on a minor scale, in the action of the State governments as, for instance, in the State of California an appropriation is badly needed for a survey of a wagon road across the Sierra Nevada mountains, but there are here also three routes, the northern, middle and southern, and each one believing its route the best, insists upon the survey being made, and the appropriation spent upon their route—unable to accomplish this, they defeat the whole."

[52] He felt that any plan requiring action by Congress would be unsuccessful, since "any attempt at legislation, is for our project, the signal of defeat." He adds (p. 13), "We start with this uncontrovertible fact; we must build the road without legislation." (As will be seen, Judah soon reversed his ideas on this point.)

He does not care to be informed that there are 999 different varieties and species of plants and herbs, or that grass is abundant at this point; or Buffalo scarce at that; that the latitude or longitude of various points are calculated, to a surprising degree of accuracy, and the temperature of the atmosphere carefully noted for each day in the year.

His inquiries are somewhat more to the point. He wishes to know the length of your road. He says, let me see your map and profile, that I may judge of its alignment and grades. How many cubic yards of the various kinds of excavation and embankment have you, and upon what sections?

Have you any tunnels, and what are their circumstances?

How much masonry, and where are your stone?

How many bridges, river crossings, culverts, and what kind of foundations?

How about timber and fuel?

Where is the estimate of the cost of your road, and let me see its details?

What will be its effect on travel and trade? What its business and revenue?

All this I require to know, in order to judge if my investment is likely to prove a profitable one.

Only by preparing such data after, and based upon an "actual and reliable survey" could private capital, in his opinion, be expected to rally to the project; but, said he, "when the friends of the Pacific Railroad can approach a capitalist and answer all these questions, they may begin to hope for a realization of their wishes." As will be seen, this is just what Judah finally set himself out to do, his own success proving, in large measure, the validity of his theory. As to the Pacific Railroad explorations, he continues:

Some will say, how is it possible that a survey must be made, when Government has had half a dozen routes surveyed, and has spent so much money and time upon them?

This is the answer. It is because Government has spent *so much* money and time upon *so many routes* that we have as yet no proper survey of any one of them.

If Government had concentrated her engineering parties and spent her money in making a thorough survey of *some one* route, in a practical railroad fashion, we should now have some reliable data wherewith to answer these questions--but the dog in the manger policy required that the appropriation should not be spent upon any one route, but distributed over half a dozen; the result of which is an abundance of general information, vastly interesting, and of little use; but a dearth of that kind of practical knowledge, which capitalists require to induce them to invest in railroads. No disrespect is intended, or fault to be found with Government engineers, who are generally highly scientific as well as estimable gentlemen, and who obey orders to the letter.

If directed to ascertain distances by latitude and longitude, or with a rodometer instead of a goneometer, they do so; or, if directed to ascertain the altitudes with a barometer instead of a leveling instrument, they do so. If ordered to survey two thousand miles at the rate of 20 miles per day, they obey orders and ask no questions; but it is no less true that the former means give only general and interesting, while the latter give practical and useful results. The one tells us that the route abounds in obstacles and difficulties, or is inexpensive and easy of construction; while the latter determines *what* these obstacles and difficulties are, or *how easy* and inexpensive the character of the route is.

Judah's plan provided, therefore, for a preliminary survey by carefully planned and adequately financed parties, which should prepare definite estimates, profiles, curves, quantities, and other like data. And, says he:

Who can doubt that with all this information, obtained in a practicable

manner, everything deduced from actual calculation, and reduced to dollars and cents, that capitalists can be found who will invest in such a project, provided it can be satisfactorily shown that it will prove remunerative.[53]

Such a survey, he thought, would require the expenditure of not over $200,000, the cost of the completed railroad being estimated at about $150,000,000, or an average of $75,000 per mile for the 2,000 miles from the Missouri River to the Pacific. If the plan could be shown feasible, he believed that the stock would find a ready sale, and he pointed out that money enough was even then being spent on "superfluous luxuries" to build a Pacific railroad every year. Financing by stock sales in this way would eliminate the necessity of borrowing at "enormous rates of interest," of floating loans in Europe, or of sacrificing mortgage bonds at half their value.

By what other means can this object be accomplished? asks he. Can the United States Government do it? Have they done it? Have they tried? No, and they will not; and what is more, the people do not much care to have them, for they have little confidence in their ability to carry it out economically, or to protect themselves and the treasury from the rapacious clutches of the hungry speculators who would swarm around them like vultures round a dead carcass. Can a private company of moonshine speculators—individuals who come in and take forty millions of dollars of stock, who are not worth as many cents—do it? They may—that is, if they can induce simple-minded individuals to invest enough to give them a start, and then, upon the principle of putting in more to save what they have already invested, may drag its slow length along, and in thirty, or forty, or fifty years may build a railroad; but what a railroad! Say twenty millions of its cost has actually been paid in good faith by the stockholders, then we find a first mortgage, at eight per cent,of say fifty millions of dollars; a second mortgage of fifty millions, at say ten per cent; a third convertible mortgage of say fifty millions, at say ten per cent, and a floating debt of fifty millions besides. We will find that a few have become enormously wealthy, that English bondholders own the road, and that it takes all the earnings to pay the interest.

Many other matters of interest are contained in this pamphlet, such as the plan for a preliminary wagon road along the route, and discussions of the snow problem, of hostile Indians, of probable operating conditions and methods, of the development of locomotives, of probable rates and tariffs, and the like, but they cannot be discussed in detail in the present article. The conclusion is, however, of interest. Says Judah:

And be it remembered, that it is not the through lines to California alone upon which this road is to rely for through travel. There is Utah, Oregon, Washington, the Russian possessions, the Sandwich Islands, China and the East Indies—all of which are brought, more or less, within the influences of this road.

It is hoped and believed by many that Congress will, at this session, pass a bill donating alternate sections of land to aid in the construction of either this enterprise, the wagon road, or both. Should this be effected, it will obviate the necessity of adhering strictly to the plan as herein proposed; but whether or no this is done, it does not alter the justice of the conclusion as to the proper steps to be taken in making such a survey as is proposed, and locating the wagon road upon it.

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[53] A sample letter of directions to the leader of one of the proposed surveying parties is included in the pamphlet.

There are numerous points in the proposed plan, which will, no doubt, appear to many as bold, startling and apparently, impracticable; but if its boldness will have no other effect than to induce sensible men to read and reflect upon them, the desire of the writer will have been gratified.

Sensible as many of these proposals were, nothing came of them at this time, for although there was much talk, Congress was not yet ready to act. By the time the next session had convened, Judah was convinced that the problem should be attacked from the other end, and the first concrete result of this determination was the Pacific Railroad Convention of 1859.

The Pacific Railroad Convention of 1859

The continued inaction of Congress in relation to the Pacific Railroad during the decade of the "fifties" quite naturally caused more and more disappointment to the people of California as the years rolled by. At every session a number of bills relating to the subject were filed, but as has been seen, sectional jealousies and the rivalries of ambitious "statesmen" had combined to defeat every such proposal, the only concrete result being those imposing volumes of "Pacific Railroad Reports," the essential futility of which had been demonstrated by Judah in his pamphlet of 1857. So unsuccessful had all efforts been, that by the spring of 1859 it seemed clear that if anything were to be accomplished the West must prepare to move of its own accord in the matter. On April 5 of that year the Legislature of California accordingly passed the following resolution:

> RESOLVED, By the Assembly, the Senate concurring, that to promote the interest and insure the protection and security of the people of the States of California and Oregon, and the Territories of Washington and Arizona, and especially to consider the refusal of Congress to take efficient measures for the construction of a Railroad from the Atlantic States to the Pacific, and to adopt measures whereby the building of said Railroad can be accomplished, it is expedient that a Convention be held on the twentieth day of September, A.D., eighteen hundred and fifty-nine, at the City of San Francisco, in the State of California, composed of Delegates from said States and Territories.
>
> RESOLVED, That the people of the several Counties of the said States and Territories are hereby especially requested to send to said Convention, Delegates equal to the number of the members of the Legislature of the said States and Territories, to which they are entitled, to represent them in said Convention.
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> RESOLVED, That His Excellency, the Governor of this State, be requested to send copies of the foregoing Resolutions to the Governors of the State of Oregon, and the Territories of Washington and Arizona, respectively.[54]

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[54] *Stats. 1859,* p. 391. The same Legislature passed a number of other resolutions relating to various phases of the Pacific Railroad controversy. See *Stats. 1859,* pp. 390 and 393, and the "Memorial" of the Legislature to Congress, *Stats. 1859,* p. 395. While beyond the scope of this article, it is apparent that much light on the Pacific Railroad situation may be obtained from a scrutiny of this annual crop of "Resolutions," commencing with the first legislative session held in San Jose in 1850.

It is probable that Judah was the real instigator of this resolution. At any rate, he returned to California after the adjournment of Congress in 1859 and became the prime mover in the convention itself.[55] This body met in the "Assembly Hall" at San Francisco on September 20, and the delegates to the number of a hundred elected John Bidwell, of Butte County, president.[56] Judah, as a delegate from Sacramento, took a prominent part from the outset.

The first bone of contention was the route to be favored, and the method of favoring it. On the opening day Col. J. B. Crockett, of San Francisco, introduced a resolution to the effect that, in the opinion of the convention "the western terminus of the Pacific Railroad should be at the city of San Francisco."[57] This gave rise to extended debate, and a number of changes were made, the final resolution reading:

> RESOLVED, That, from all the information before the Convention, it should and hereby does declare its decided preference for the Central Railroad Route.[58]

Judah regarded such action as premature and unwise. His experience with Congress had convinced him that the only way to obtain the passage of a Pacific Railroad Bill was to eliminate the question of route from debate by providing that the company undertaking the work should select its route for itself. He was still convinced that nothing could be expected from private capital until careful and proper surveys had been made and until costs could therefore be somewhat approximated,[59] but he had now come to believe that Congress should be asked to guarantee interest payments during at least the first twenty years in order that the experience of the Sacramento Valley line might

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[55] This convention can be touched upon here but briefly, and only in so far as it affected Judah's career. For further material relating to it, see Hittell, *History of California,* Vol. IV, pp. 453-4; Bancroft, *History of California,* Vol. VII, pp. 452, et seq, also Curtis' article. This was the second Pacific Railroad Conference in California, the first having been held in San Francisco in August, 1852, with Thomas O. Larkin as president. (Bancroft, *Chronicles of the Builders,* Vol. VI, pp. 137-8.)

[56] The other officers were: Edward Lander, of Washington Territory, Alex. Pinkney, of Oregon, E. S. Holden, of San Joaquin, and Geo. W. Crane, of Monterey, Vice-Presidents; W. Rabe, of San Francisco, Secretary, and O. H. Thomas and Henry S. Wells, Assistant Secretaries. (*Sacramento Union,* Sept. 22, 1859.) In addition to eight delegates from Washington Territory, and twenty-four from Oregon, the thirty California counties were each represented by varying numbers of delegates, ranging from one to twelve. (*Sacramento Union,* Sept. 23, 1859.)

[57] *Sacramento Union,* Sept. 22, 1859.

[58] *Sacramento Union,* Sept. 26, 1859.

[59] Commenting on Judah's insistence on the necessity for an adequate and accurate survey as a condition precedent to any successful campaign for the railroad, the editor of the *Sacramento Union,* on Sept. 24, 1859, said: "Upon the practical point the remarks of T. D. Judah, Engineer of the Sacramento Valley Central Railroad, before the Convention, struck us as worthy of the special attention of delegates. He clearly demonstrates the first step to be taken."

be avoided. This point of view he earnestly put before the Convention, and in a letter to the editor of the *Sacramento Union,* he expressed his conviction in reference to the subject, saying, in part:

I went to that Convention impressed with the conviction that there were only two measures worthy of important consideration, and if the Convention would concur on them and unite harmoniously in recommending them as the proper measures to be adopted, they would have accomplished the main objects for which they were called together and to the accomplishment of this end we adhered through the mass of local and general business transacted by the Convention until successful, the Convention having sanctioned, indorsed and recommended them, I believe, unanimously. The first was with regard to a proper survey of the line or lines, so as to enable us to speak understandingly of the relative merits, length and cost of various routes, and upon this information to determine upon and adopt the proper route or line. The second was to decide upon the manner in which the Federal Government could properly extend her aid in the construction of the road, calling upon her emphatically to respect the views of the Convention on this subject, as an expression of the views and opinion of the people of the whole Pacific coast, not only of the State of California, but also of the sovereign State of Oregon and the Territory of Washington—the united voice of the whole people, expressed in a Convention convened for that purpose, controlled by no political, local or sectional considerations.[60]

Of certain proposed resolutions asking from Congress a guarantee of not to exceed five per cent interest on actual cost, and the grant of right of way to parties willing to furnish capital, with authority to them to select the route, and declaring that California should construct that part of the route within her boundaries, Mr. Judah said in the same letter:

In supporting and endeavoring to procure the passage of these resolutions, I was enabled to present the following arguments, which are very simple.

1. The whole question as to routes is solved, leaving it to those capitalists who are willing to embark their money in the enterprise to select that which they deem to be for their interests, believing that the general principles governing this question will be more readily ascertained, will more properly apply, and the location thus ascertained give better general satisfaction than if formed by any other method.

This provision, then, relieves Congressional action of one of its most embarrassing features.

2. If Congress act favorably on this plan, private capital can be had wherewith to build the road for its stock will then be equivalent to Government five per cent scrip. With this guarantee of interest from Government for 20 years, or until the receipts of the road will enable it to meet its own interest, capital will seek it—it will not have to seek capital; and it is more than probable that, were proposals invited for taking the stock thus guaranteed, that bids would be received from responsible parties in the Atlantic States and Europe for the whole issue at a *premium.* If this be so, the road can be commenced immediately, the work paid for in cash as it progresses, insuring economical construction and early completion, and Government would even be relieved of the necessity of making a survey, which would be undertaken by private capital.

3. It relieves Government from the necessity of being a stockholder, or becoming interested in the road in any other manner than to provide (under such guards and restrictions as may be necessary to prevent fraud) for the payment of the interest upon its actual cost at the rate of five per cent per annum.

This provision entirely meets all the objections which have been heretofore urged against Government becoming an interested party. It shuts the door to fraud, corruption, or political dishonesty. It affords no hobby to ride, and presents no stepping stone to power, advancement or distinction. It creates no new

[60] *Sacramento Union,* Sept. 26, 1859.

appointments, or salaried and Government offices. Government has only to satisfy herself that the work is being built in an economical manner and provide for the interest on its actual cost as it progresses.

4. Although Government provide for and pay the interest for a time, it can be shown that it will not withdraw from or deplete the Treasury, but rather augment and increase the receipts of the same in the enhancement of the value of her public domain and the increased sales of lands contiguous to the line of the road. Estimating the actual cost of the road to be $40,000 per mile, or a total of $75,000,000, the interest on the same would, on completion of the road, amount to $3,750,000 per year. In order to provide for and meet this amount, it is proposed that Congress set apart, not for speculators, but to be retained in her control, every alternate section of land for a proper distance on either side of the road, from the sales of which to create a fund to be applied to this special purpose; which, it is believed, will not only amply provide for the same, but, from the increased value of the remaining lands, so augment her revenue as to replenish and fill her wasted Treasury; provide for other works of internal improvement, in addition to opening up her desolated waste of wild lands to population providing homes for the thousand immigrants who are arriving daily on the quays and wharves of the Atlantic seaboard; preparing for herself facilities for transporting her troops, stores, munitions of war, and mails; cementing the bonds of union between the members of her own family, before their long separation produce estrangements, thereby entitling herself to the warm gratitude, respect and cordial support of the people of the Pacific.

With regard to the policy of invoking State aid, it is believed that an adherence to the same general features, in extending State aid to construct that portion of the Pacific Railroad within the borders of the State, would secure the end with less objection than by another method; it would relieve the State from the necessity of becoming a stockholder, and she might set apart her swamp and overflowed lands to create a fund to meet the interest on the cost of the road, as in the first instance; but that is a matter for the Legislature to decide upon, and the general declaration of the Convention, with their recommendations that the State of California will construct and complete the Pacific Railroad from the eastern boundary of the State, to San Francisco, effectually covers all the action they can well take as regards State policy, leaving the precise mode to the decision of that legislative body who have the power and exclusive control.[61]

The convention formally memorialized Congress to lend its aid by granting lands to California, by guaranteeing interest on the bonds of the road through the territories, and by remitting the duties on railroad iron for the entire distance. It was also the consensus of opinion, as expressed in the several resolutions finally passed, that California and Oregon or Washington Territory should at once commence the construction of two railroads, one from San Francisco and another from some point on the Columbia River or Puget Sound, to meet at a convenient point on the route to the Missouri River; that the State Legislature be asked to aid, and to devote swamp and overflowed lands

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[61] The next day the editor of the *Union* declared: "It is true the resolutions quoted yesterday by T. D. Judah, which were adopted by the convention, propose to leave the route absolutely to the selection of those who may undertake to furnish the money to build it, but this does not render the declaration of the convention any the less emphatic in favor of the Central route. If Judah's plan, as recommended by the convention, should be favorably acted upon by Congress, no legislation as to the route would be required; the line would be left solely to the selection of those who furnished the money to lay down the iron rails. They would, of course, consult their own interests, as well as those of the country, and the result would not be in the least doubtful. They would, by the considerations we have named, be forced to settle down upon the Central line as the one for the road."

to the project; and that in California the road should run from San Francisco around the south arm of the bay, thence through Stockton, and thence east over such route as the Legislature might direct, the Convention also recommending authorized state and county aid, relief from stockholders' individual liability, and an actual survey of the various passes through the mountains.[62] Plans were made to reconvene in February, 1860, and a committee on an address to the people of the Pacific Coast was appointed. Said this Committee:

> It has been well understood for several years past, by all the sincere and intelligent advocates and friends of the great work, that we must look primarily to the enterprise and resources of the Pacific Coast, for the construction of the western portion of the road. It has also been well understood that until the enterprise on the Pacific side should be organized, and acquire a positive and effective working position, so as to confederate and cooperate with enterprise in the Valley of the Mississippi and the Atlantic seaboard, the problems of route, and of when, where and how the Federal aid should be applied, must remain unsolved, and indeed that no complete working system for the enterprise could be even projected with any reasonable expectation of practical results without a complete and effective organization on this Coast.
>
> Organization, definite plans, and the requisite capital are the conditions of success. The Committee is of the opinion that their propositions, if carried into effect, will meet and answer these conditions.[63]

The Committee added that the road was "a thing demanded," and that it was California's business and duty "to meet her portion of the demand," concluding:

> To the views presented and recommendations made, we ask the serious consideration of all of our fellow citizens, and particularly of those whose office it will be to act, or refuse action upon the matters submitted to the convention.

The question of the proper presentation of these recommendations to Congress was felt to be of great importance, and because of his grasp of the subject and his familiarity with the practical operation of politics, the Executive Committee, on October 11, 1859, formally appointed Judah as accredited agent of the Convention to convey its Memorial to Washington. The selection was universally applauded, and on October 20, less than a month after the Convention adjourned, and only nine days after his appointment, he sailed for Panama on the steamer *Sonora*.[64]

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[62] Judah's hand is apparent throughout these resolutions. He was an active member of the Committee of ten on Resolutions, of which J. B. Crockett, of San Francisco, was Chairman.

[63] See *Address to the People of the States and Territories on the Pacific,* prepared by the "Committee on Address," of the 1859 Convention, San Francisco, 1859.

[64] *Daily Alta California,* Oct. 20, 1859, the editor adding: "In saying that no better selection could have been made for this responsible duty, we but reiterate what is well known to all who are acquainted with Mr. Judah. Few persons in California have a more thorough acquaintance with the question of the construction of the Pacific railroad in all its branches than has Mr. Judah, and his services in this capacity will be invaluable.

"We take occasion in this public manner to bespeak for him and his mission the aid and countenance of the Atlantic press."

His first task was to prepare a bill embodying the chief recommendations which had been agreed upon. Copies were sent back to California, and the bill was formally indorsed and approved by the Convention at a second session in Sacramento.[65] Meanwhile, the newly elected California Congressman, Mr. J. C. Burch, as well as General Lane, Senator from Oregon, both of whom were on the same boat with Judah en route east, went over the bill and approved it, Burch agreeing to sponsor it in the House.[66]

Upon his arrival in Washington, Judah at once sought out California's Senators, and on December 6 interviewed the President, who, upon being presented with a copy of the Memorial, "expressed himself generally in favor of the Pacific Railroad." Then, since business must await the election of Speaker in the House, Judah decided upon a tour through "the West," in order, as he says, to "endeavor to awaken as much interest as possible in our efforts." Among the points visited on this trip were New York, Albany, Syracuse, Buffalo, Cleveland, Columbus, Chicago and Cincinnati.

The efforts of Mr. Burch's friends having failed to obtain for him a place on the Select Committee on the Pacific Railroad, his bill was manoeuvred into the friendly hands of the Committee on Post Offices and Post Roads. Later, a select committee was formed, with Scott of California as a member, and Judah went to work with the California delegates seeking an early report and a compromise measure, with the choice of route left open. In the House, sectional controversies over the route soon arose, however, and the House Bill, though it twice got out on the floor in varying forms, was at last put over for consideration at the next session, to begin in December, 1860. Meanwhile, in the Senate the larger questions of slavery and secession so filled the air that Senator Gwin could not even get his compromise bill "called up" for consideration.

Another bill which Judah considered important related to the granting of lands by the federal government to California in aid of the construction of railroads, but like the railroad bills, it could not be forced out on the floor of the House. In addition to following the course of legislation, Judah busied himself with obtaining useful material

[65] See in re this second meeting, the *Sacramento Union,* February 7-11, 1860.

[66] See *Report of Theodore D. Judah to the Executive Committee of the Pacific Railroad Convention,* reprinted in full in the *Sacramento Union,* July 25, 1860.

In an address before the Territorial Pioneers of California on April 13, 1875, Mr. Burch told of his meeting with Judah on the *Sonora* and of Judah's enthusiasm and zeal on the Pacific Railroad question, adding, "Never have I seen a more unselfish laborer for a public work, never knew a more self sacrificing spirit than his." (See *First Annual of the Territorial Pioneers,* San Francisco, 1877, pp. 30-43.)

of a general character, and of peculiar interest, in view of his later career, is his declaration that he collected "some reliable information with regard to the operating of engines on heavy grades, which becomes highly important in view of solving the question of crossing the Sierra Nevada mountains, as it establishes the fact that grades as high as three hundred and fifty feet per mile can be overcome and operated with perfect safety."

While in Washington, the former Vice-President's room in the Capitol was turned over to Judah, who converted it into a species of museum on the Pacific Railroad question, with quantities of maps, diagrams, reports and other data. In his report he mentions a testimonial from "Messrs. Latham, Gwin, Burch, Scott, Lane, Curtis, Phelps and E. B. Washburne," approving his course, and, after commending a number of members of Congress and others to the gratitude of the Convention, he concludes as follows:

> I would also state that though the expenses of my mission, apart from my time, have cost me over $2,500, the only bills I have to present are
>
> For printing bill and circular in New York.....$20
> For printing bill and circular in Washington..... 20
>
> $40

More convincing proof of Judah's whole-hearted and public spirited attitude on this subject could hardly be found, and although the work of the Pacific Railroad Convention of 1859 resulted in no further direct or formal action, nevertheless, it had an important effect upon public opinion, and the bill on which a compromise was "almost" had, became in many respects the progenitor of the Pacific Railroad Act which passed Congress in 1862.[67]

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[67] Judah's report closes with a list of attached documents showing the completeness of his work, as follows: "Accompanying this report will be found the following papers, copies of which are at the service of the Executive Committee: A—Debate in House on Pacific Railroad Bill; B—Bill printed in New York; C—Printed Circular accompanying; D—Bill printed in Washington; E—Circular accompanying; F—Full official report of proceedings Pacific Railroad Committee at each meeting; G—Communication of T. D. Judah to Pacific Railroad Committee; H—Letter of approval of delegation; I—Circular of Railroad Convention held at Louisville, March 21, 1860; J—Memorial of Edward Larned to Congress on Pacific Railroad; K—Letter of H. D. Whitcomb, Chief Engineer Virginia Central Railroad; L—Letter of Thomas Dodarnead, Superintendent Virginia Central Railroad; M—Letter of M. W. Baldwin & Co., locomotive builders, Philadelphia; N—Pamphlet by Charles E. Leet, Esq.; O—Three speeches of Hon. William M. Gwin on Pacific Railroad; P—Original bill of Hon. Mr. Curtis; Q—Bill of Select Committee; R—Bill introduced by Hon. Mr. Kennedy, United States Senate; S—Bill of Convention, introduced by Hon. Messrs. Wigall and Scott; V—Argument and bill of F. W. Lander, Esq.; W—Bill introduced by Hon. Mr. Stout; X—Bill introduced by Hon. Mr. Boteler; Y—Communication to delegation respecting survey of Eastern boundary; Z—Copy of map furnished Committee on Public Lands."

The Inception of the Central Pacific (1860-1862)

Far from being discouraged at the failure of Congress to act on the recommendations of the 1859 Convention, Judah now entered upon the task of actually laying out a railroad over the Sierra with renewed enthusiasm. As has been seen, it had for some time been dawning upon him that the plans hitherto submitted had proven unsuccessful before Congress because, while admirably adapted for senatorial eloquence, they were uniformly based upon hopes and hypotheses rather than upon demonstrated facts. He was therefore convinced that nothing definite could be expected in Washington until some more concrete action should be taken in California. The Pacific Railroad Convention, with its recommendation of the Central Route and its suggestions anent the financing of the project, had proved abortive and had received a rebuff at the hands of Congress which only served to demonstrate the growing bitterness of eastern sectional jealousies, and Judah was now determined that rather than again ask Congress to make an offer to some hypothetical company, which should later choose its own route, the company itself should first be organized, and should present to Congress accurate and definite surveys of some particular route, standing ready to accept any reasonable proposal and to commence actual construction immediately.

In his search for a possible route over the mountains, he was materially assisted by Dr. Daniel W. Strong, a druggist of Dutch Flat, then a prosperous mining village on the American River watershed east of Sacramento. Near here the earliest overland emigrants had passed after crossing the Sierra by way of Donner Lake and Donner Pass. At the time now under consideration, however, the main emigrant route ran through Placerville to the south, and thence over another pass, and shortly before this period, Strong had set out in search of a wagon road route over Donner Pass for the purpose of drawing travel back to its earlier course.[68]

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[68] Testifying before the United States Pacific Railroad Commission on August 4, 1887, (See Report of that Commission, Vol. V, p. 2838, et seq.) Strong declared: "Before the road was commenced, I was living up at Dutch Flat, and knew the country very well. I thought there ought to be some way of getting over the Sierra Nevada Mountains and diverting a portion of the travel—of the emigrant travel—across the plains, so that it would come our way and to Sacramento. In 1859 I started out with a party of volunteers to make a reconnaissance for a road across the mountains." Strong also filed in evidence (*ibid*, p. 2959) a document dated at Dutch Flat, June 26, 1860, showing forty-seven subscriptions ranging from $1.00 to $10.00 to pay for a preliminary survey by an engineer to ascertain the practicability of this route for a wagon road. This document, said Strong, was prepared by Frank Moore, agent for Wells-Fargo & Company at Sacramento.

This, in itself, was no new idea. In addition to the emigrant business, the newly discovered "Washoe Mines" were beginning to draw men by the thousands over the Sierra, and the carriage of supplies and machinery to these mines soon became important, and was proving extremely lucrative. It was much sought after, and wagon roads to capture it had been projected over a number of passes.[69] As mentioned above, it has been said that Judah was sent into this region to search for just such a route by certain interests connected with the Sacramento Valley Railroad. Whatever may be the truth as to this statement, we know that the fall of 1860 found him in the mountains; that he made a preliminary examination and barometric reconnaissance of a route through El Dorado County via Georgetown, another via Nevada City and Henness Pass, and a third via Dutch Flat and Donner Pass.[70]

Whether Strong or Judah first conceived of Donner Pass as the site for a railroad is perhaps a futile query. Many years later, after Judah's death, and after the railroad had been in actual and successful operation over this pass for a number of years, Strong testified that he had discovered the route and had brought it to Judah's attention.[71] Judah, says Strong, came up to Dutch Flat by stage at his request, and it seems clear that during the fall of 1860 the two made a preliminary reconnaissance of the Donner Pass route, the story of which is graphically related by Mrs. Judah as follows:

> In Washington he labored largely at his own expense, as from time to time he went on there, till he made up his mind that he would never go to Washington again till he had been over the Sierra Nevada Mountains, made a survey, and would go back with his maps, profiles, estimates, etc. for a railroad across them. In his own words, "That what I believe without it, I can intelligently show to Senators, members of Congress, etc. With facts and figures they cannot gainsay my honest convictions as now." Oh, how we used to talk it all over and over on the steamer en route to California in July, 1860. Three weeks from the time we arrived in California he was in the mountains, accompanied mostly by Dr. D. W. Strong, then of Dutch Flat, Cal., whose friendship was assured, and who was truly a mountaineer. Together they went over the different passes, Beckworth, etc.[72] Last the Dutch Flat route, or Donner Pass. No one knew what they were doing; the "engineer" was in the mountains. I remained in San Francisco and Sacramento among friends.
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> It was in the drug store of Dr. Strong, at Dutch Flat, that the first profile was worked out from notes taken by them. Dr. Strong used to tell a thrilling

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[69] See, for example, *Sacramento Union,* September 20, 1860, for article describing the advantages of the proposed road up the Yuba and over Henness Pass.

[70] Report of Chief Engineer of the Central Pacific Railroad Company of California, October 1, 1861.

[71] Strong testified: "In making the reconnaissance for that route I discovered a place where a railroad could go through." Strong said that he was not then acquainted with Judah, but stated that he "knew that he was investigating the country trying to find a pass over the mountains a little further north than the thirty-second parallel. Shortly before this he had been at Tehachapi Pass and other points below there. He was then in Sacramento canvassing the subject." (Testimony, p. 2838.)

[72] Probably an error, as there is no evidence that Strong ever accompanied Judah on any but the Donner Pass reconnaissance.

story of their last night in the mountains—came near being snowed in, obliged to get up in the middle of the night from their camp and start out in the darkness to find the trail, and none too soon were they. Judah could not rest or sleep after they were in town and the store till he had stretched his paper on the counter and made his figures thereon. Then, turning to Dr. Strong, said for the first time, "Doctor, I shall make my survey over the Donner (Judah) Pass, the Dutch Flat route, above every other."

Under the laws of California at that time it was necessary for a railroad corporation to have bona fide subscriptions to capital stock to the amount of $1,000 for each mile of road projected, ten per cent of which was to be paid in before incorporation.[73] Being convinced that they had discovered a feasible route over the mountains, Judah and Strong at once set to work canvassing the field to obtain stock subscription agreements for a railroad across the Sierra to be known as the "Central Pacific Railroad."[74] Strong, who was well acquainted in the mountain settlements, met with a fair measure of success, while Judah prepared and published in pamphlet form a report detailing the results of their investigations and drawing attention to "some newly discovered facts with reference to the route of the Pacific Railroad through the State of California."[75]

Said he:

> Confident of the existence of a practicable line across the Sierra Nevada Mountains, nearer and more direct than the proposed line via Madelin Pass and the headwaters of the Sacramento I have devoted the past few months to an exploration of several routes and passes through Central California, resulting in the discovery of a practicable route from the city of Sacramento; upon the divide between Bear River and the north Fork of the American, via Illinoistown,[76] Dutch Flat, and Summit Valley to the Truckee river; which gives nearly a direct line to Washoe with maximum grades of one hundred feet per mile . . . The elevation of the Pass is 6,690 feet.

The saving by this route of one hundred and fifty miles over Lieutenant Beckwith's Feather River Canyon route, which had been

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[73] See Act of April 22, 1853, (Compiled Laws, 1853, p. 255).

[74] Said Strong (Testimony, p. 2839): "The next morning Judah came into my place and he said to me, 'Give me some writing materials'—I produced some writing material he sat down and drew up what he called 'articles of association,' and he shoved them across the table to me and said 'sign for what you want.'"

The Sacramento Union, November 9, 1860, contains an article on the "Dutch Flat Route" quoting the *Dutch Flat Inquirer,* and dealing largely with the wagon road question. Judah's reconnaissance is mentioned, the article continuing: "From the reports made in relation thereto, it appears that this route is more favorable for a railroad over the Sierra Nevada than any one which has been examined by engineers. The line is short—only about eighty miles from the foothills to Truckee Lake. No serious engineering difficulties present themselves. If a Pacific Railroad is ever built, it is more than likely that it will cross the Sierra Nevada upon the Truckee route and through the Lake Pass.

"As remarked by the engineer, a good wagon road over this route would greatly benefit the county of Placer. It is, too, a subject well worthy their attention next Spring."

[75] This pamphlet (of eighteen pages) was entitled *Central Pacific Railroad Company of California,* and was published in San Francisco on Nov. 1, 1860. A short circular of similar tenor was also published on November 10, 1860, and distributed generally. (See Strong's Testimony, p. 2960.)

[76] Illinoistown was later renamed "Colfax."

described in the "Pacific Railroad Reports," was most important, said Judah, and of especial interest was its direct line to the Washoe country, which all agreed was one of the chief probable sources of business for such a railroad.[77] Local business could also be expected from settlements already in existence along the line. The Pacific Railroad Bill, to come up in December, provided for large assistance to a railroad to be constructed under its provisions,[78] and since according to that bill, the California construction must be effected by a California corporation, Judah proposed that such a corporation be formed at once "for the purpose of constructing a road through the state upon this route, in anticipation of the passage of this bill." Such a course would, he thought, secure recognition of this line as the recipient of the contemplated aid, and he proposed to insure such a result by inserting the name of the company in the bill itself, a plan which as will be seen, proved entirely successful.

Largely through Doctor Strong's efforts, bona fide subscriptions to the amount of $46,500 had been procured in the towns of Dutch Flat, Illinoistown, Grass Valley and Nevada City, and as the distance to the state line was estimated at 115 miles, further subscriptions to the amount of about $70,000 were planned to be obtained in San Francisco and Sacramento.

Armed with this pamphlet[79] and much data regarding the proposed

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[77] In this pamphlet is included a copy of a letter to Judah from the firm of Ogden & Wilson, detailing the prospect for business on a railroad between Sacramento and the Washoe mining districts, and declaring that "no railroad was ever contemplated in California with such flattering prospects of a large and lucrative business, and which promises such universal benefit to the people of the state."

[78] $18,000 per mile from the navigable waters of the Sacramento River to the base of the Sierra Nevada; thence $24,000 per mile to the summit; thence an additional $3,000 per mile for each degree of longitude crossed, until the one hundred and ninth was reached.

[79] The remaining portion of the pamphlet is given over to a discussion of financing methods and operating possibilities on the proposed route. Judah at this time advocated permanent grading wherever it was found to be "light and inexpensive," with temporarily located stretches of heavier grade to be used merely for speed of construction, in case Government aid were not soon forthcoming. This would put a reasonably good road into operation without delay and the more difficult permanent construction could come later. County and state aid was to be solicited, and in view of probable heavy operating costs the statutory rates of ten cents per passenger per mile and fifteen cents per ton for freight per mile were to be recommended to be raised to fifteen and thirty cents, respectively. On the basis of the then prevailing haulage business to the Washoe district he considered that this would yield a good profit, adding: "An estimate can scarcely be made of the profitableness of such a road, for no instance of a road with similar business exists. It is believed that its profitableness will exceed that of any known road in the world." It was estimated that per diem receipts would amount to at least $6,250, or, at 313 days per year, a total of gross receipts for a year of $1,956,250.

The statute referred to was *Stats. 1854,* p. 82, Section 9. (Amending Section 33 of *An Act for the Incorporation of Railroad Companies* approved April 22, 1853.) It is of interest to note that the Act of 1861 under which the Central Pacific Railroad Company was actually incorporated continued in force these older rate provisions. See *Statutes 1861,* p. 607, Section 51.

railroad, Judah proceeded to San Francisco. At first things seemed to be going well, and he wrote Strong on November 14: "I have struck a lucky streak, and shall fill up the list without further trouble. I have got one of the richest concerns in California into it."[80]

This burst of optimist came too soon, however, for when it came to actual subscriptions nothing could have been cooler than his reception. The Sacramento Valley Railroad had been largely financed by San Francisco men, and they rued the experience. Judah did what he could, but was met on all sides with rebuffs. As one writer has put it:

> He tried the rich men of San Francisco. They heard his story; smiled at his enthusiasm, but they secretly buttoned up their pockets and locked their safes and said wisely to each other that the man was an enthusiastic lunatic.[81]

At a meeting in the office of what Mrs. Judah terms "a leading law firm," the plan was laid before a group of representative capitalists of the Bay region, but skepticism prevailed, and nothing was accomplished.[82] Judah at once returned to Sacramento and soon called together a few acquaintances in a meeting at the St. Charles Hotel in that city.[83] About thirty attended—men from various walks of life, who had become interested in the project.[84]

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[80] See Testimony of Strong, *op. cit.* p. 2961.

[81] Goodwin, C. C., in *As I Remember Them,* Salt Lake City, 1913, p. 33. See also *Memoirs of Cornelius Cole,* pp. 148-9.

[82] Mrs. Judah writes: "Mr. Judah left me at the *Russ House* where we were stopping, firm in the faith that the gentlemen he was to meet that evening would give him the aid he required to make his survey the following spring, in other words, would be his backers and form the Pacific Railroad Company. He left me in high hopes. (I could name the gentlemen; none of them were of the present company.) His 'high hopes' were doomed to disappointment; and why? Not because they did not believe in Judah, but they all had large interests in various ways. If Congress did not pass a Pacific Railroad bill, no road could be built, and even then it was generally thought it would take from twelve to twenty years to complete it, in spite of Mr. Judah's honest assertion 'seven years would build it, under the provisions of such a bill as he believed could and would be passed.' Suffice it to say, they did not give the encouragement he asked. Weary and disappointed that night on his return from the meeting his words to me were these: 'Anna, if you want to see your friends in the morning you must pack your bag and trot around to see them, for I am going up to Sacramento on the boat tomorrow afternoon. *Remember* what I say to you to-night, so you can tell me sometime; not two years will go over the heads of these gentlemen I have left tonight, but they would give all they hope to have from their present enterprises to have what they put away to-night. I shall never talk or labor any more with them. I am going to Sacramento and see what I can do with the citizens and local business men of that city.'"

[83] Mrs. Judah says it was the next day after their return to Sacramento.

[84] Statements as to the number of persons present at this meeting vary. It seems probable that quite a group was present, Strong saying "at least thirty, probably more" (Testimony, *op. cit.* p. 2841.) Cole (*Memoirs,* p. 148) declared, however, that: "Less than a dozen of us met in a small room over the store of Huntington & Hopkins on K Street." it is probable that there were a number of meetings.

Here, for the first time, appear the names of those later "Railroad Kings"—Leland Stanford, Collis P. Huntington, Mark Hopkins and Charles Crocker—then prominent Sacramento merchants. But there were others—Dr. Strong, Lucius A. Booth, James Bailey, a jeweler, Cornelius Cole, later Congressman and Senator from California (and at the time a Sacramento lawyer), B. F. Leete, one of Judah's surveyors, and several others.[85]

At this meeting, Judah declared that in his explorations he had crossed the crest of the Sierra on no less than twenty-three separate occasions, that from his barometric reconnaissance, he had become convinced of the feasibility of the "Dutch Flat Route" (as it soon came to be termed), and that he desired financial backing for the purpose of making a careful instrumental survey of the proposed line.[86] The result was that nearly everyone present put his name down for something—there wasn't much to lose as yet—[87] and sufficient stock was soon subscribed to cover the statutory minimum for the formation of the company.[88]

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[85] See Fulton, Robert, *The Epic of the Overland,* p. 12. In this work it is declared that Leete told the author (in 1924) that the Robinson brothers of the "Sacramento Valley Railroad" were also present. This is possibly correct, since Judah had been in their employ on the Sacramento Valley Railroad and other projects. It was about this time, however, that the Robinsons quarreled with Judah over his new route which, as had been mentioned, they claimed on the ground that they had hired him to explore a wagon road over the mountains via Dutch Flat and that the railroad route had been discovered during that exploration. Whatever justice there may have been in this claim, it is clear that bad blood existed between the Robinsons and Judah henceforth until the latter's death. (See Nevada Legislature pamphlet of 1865, *supra.*)

[86] Mrs. Judah says: "The wires Mr. Judah could pull on these 'far seeing wise men' was this: 'It is purely local; you are tradesmen of Sacramento city; your property, your business is here; help me to make the survey; I will make you the company; and with the bill passed you will have the control of business interests that will make your fortunes in trade, if nothing more. Why, you can have a *wagon road* if not a railroad.' They grasped that and they were led to do what he then asked."

[87] Cole says (*Memoirs,* pp. 148-9), "After listening to the report of Mr. Judah, who was known to most of us, we agreed at that first meeting, upon the organization of a company, to build the railroad over the mountains, little dreaming of the real difficulties to be encountered in that great work. It was given the name of the Central Pacific Railroad Company of California, and the amount of capital stock was fixed at eight and one-half million dollars. I think every one present subscribed for, or agreed to take stock in the concern. Several subscribed for fifty shares each, but no one for more than that. I took fifteen shares at first and subsequently acquired ten more."

[88] The "Huntington manuscript" in the Bancroft Library, University of California, states that after Judah's call for funds, "Some gave one thing, some gave a barrel of flour, some a sack of potatoes—all sorts of stores, and some, money. I did not give anything. When the meeting was about to break up, one or two said to me, 'Huntington, you are the man to give to this enterprise.' I gave two or three hundred for a road, and five hundred dollars for the Overland Telegraph. I felt that I ought to subscribe towards those enterprises. I did not want any of the stock. This railroad was a thing so big there was not much use starting

On April 30, 1861, an organization meeting of stockholders was called by Mark Hopkins, as Treasurer, and on the 28th of June in that year, the "Central Pacific Railroad of California" was formally incorporated under the new general railroad incorporation law of California[89] with a capital of $8,500,000 divided into 85,000 shares of a par value of $100 each. Leland Stanford, who had just been nominated for Governor by the youthful Republican Party, was elected President, Collis P. Huntington was made Vice-President, Mark Hopkins (Huntington's partner) Secretary, and Theodore D. Judah, Chief Engineer. In addition to these, there were elected as directors, Lucius A. Booth, Charles Crocker and James Bailey, all of Sacramento; D. W. Strong, of Dutch Flat, and Charles Marsh of Nevada City. Huntington, Hopkins, Stanford, Crocker, Judah and Bailey had each subscribed for 150 shares each, and Marsh took 50 shares, others subscribing for lesser amounts, making a total of 1,245 shares subscribed, or more than sufficient to comply with the requirement of $1,000 per mile of railroad projected.[90]

More important than anything else was the fact that funds were now available for an actual instrumental survey of the line[91] and as

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out expecting to do much towards building it. I told Mr. Judah as I left—'if you want to come to my office some evening I will talk with you about this railroad.' He came down next evening. He sat down and talked with me and we discussed the whole matter. I told him I would furnish six men that would pay for a thorough instrumental survey across the mountains. I would furnish the men myself to make this survey. He said it would cost $35,000. I said all right I will pay that for a thorough survey across, but I will not agree to do anything after that, I will take a look ahead and see if its anything fair—I may go on, but I don't promise to do anything now but make a survey. I did not expect to do it myself altogether."

This story, which was repeated by Bancroft in the article on Huntington in his *Chronicles of the Builders,* is probably correct in the main, but the tale of the donation party—the flour and potato subscriptions—does not ring true, nor does it fit with other evidence regarding this transaction.

[89] *Stats. 1861,* p. 607.

[90] See the *Articles of Association of the Central Pacific Railroad of California,* giving above information and complete list of all stock subscriptions. The filed copy was sworn to as correct by Stanford, Hopkins and Huntington in Sacramento on June 27, 1861, for the purpose of incorporation (a copy of this document is attached as "Schedule A", to the complaint of Samuel Brannan against the Central Pacific Railroad, et al., Vol. VIII. No. 9 of Pamphlets on California Railroads, Bancroft Library, University of California).

[91] Up to this time Judah had largely financed the explorations from his own funds, and Mrs. Judah says: "The first money they subscribed was $50 each, to make some survey of the levee on Front Street and up the American River. Theodore said to me: 'If you want to see the first work done on the Pacific railroad, look out of your bed-room window (Vernon House); I am going to work there this forenoon, and I am going to have these men pay for it.' My reply was: 'I am glad, for it is about time somebody else helped.'"

soon as weather conditions permitted field parties were organized and the survey of the newly discovered route was begun in earnest.[92]

As has been seen, the preliminary examination had demonstrated in Judah's mind the possibility of constructing a railroad with grades that would not constitute insurmountable obstacles and these field parties had as their main object the examination as to whether Judah was correct in his selection of the Donner Pass route. They also were to undertake the survey of an exact route with, if possible, lighter grades as well a shorter distances. A preliminary examination was therefore made, and barometrical observations were also taken upon two other possible routes, that up the Yuba via Downieville and Yuba Gap, and that via Oroville, "Bidwell's Bar," Middle Feather River canyon and "Beckwourth's Pass." The results obtained, however, demonstrated, according to Judah, that these routes, like those via Georgetown and that via Nevada City and Henness Pass, possessed certain grave disadvantages which made them less suitable for railroad purposes than the Donner Lake route.[93] That route proved upon careful examination to be entirely practicable and the actual survey showed, as Judah soon declared, that "the difficulties and formidable features of this range" could be "successfully overcome for railroad purposes."

The results of this survey were embodied in the report of the Chief Engineer, to "The President and Directors of the Central Pacific Railroad Company of California," dated at Sacramento, October 1, 1861. In this report—crucial, because upon the results of this survey the continued backing of the Sacramento merchants largely depended—Judah declared that the most objectionable features of railroad location over the Sierra Nevada range were: first, the great elevation to be overcome in crossing its summit and the want of uniformity in the western slopes; second, the impracticability of river crossings in the mountains on account of the deep gorges which had been cut by these

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[92] Strong (Testimony, *op. cit.* p. 2843) says the survey started in March, 1860 (meaning, no doubt, 1861), and that they worked up to Dutch Flat and there awaited better weather. He adds (p. 2844) that it took "pretty much all summer to make that survey to the State Line," and that they then went to work to procure stock subscriptions from various counties.

The "Crocker manuscript" in the Bancroft Library, University of California, after describing how Crocker and others offered to back Judah, states: "With that money we organized a corps of engineers in the spring, and sent them with Mr. Judah at the head, to run a line along the mountains to the Big Bend of the Truckee River. It was merely a trial line; what we called a base line—but from that we found that the grades which Judah had said could be obtained were actually practicable, and were obtained — — —."

[93] See Reports of Chief Engineer of Central Pacific Railroad Company, Oct. 1, 1861, and July, 1863.

rivers, and, third, the fact that the Sierra in this latitude possessed two distinct summit ranges to be crossed.

The line run in this preliminary survey was eighty-one miles long from base to summit, with a rise of seven thousand feet, but because a ridge or spur of remarkable surface regularity had been discovered, the line as surveyed up it would have maximum grades of but 105 feet to the mile. This unbroken ridge route also avoided the necessity of crossing any of the major canyons, only one stream of importance (the Little Bear River) being encountered, and this requiring a bridge but fifty feet in height. As to the problem of the double summit the survey was particularly fortunate, for a route entirely avoiding the second range was discovered. This desirable result could be accomplished upon no other then known route, for the line of Lieutenant Beckwith over what was then known as "Madelin Pass" to the north, showed two distinct summits thirty-five miles apart, and the main wagon road from Placerville to the Washoe country crossed over Johnson's Pass, thence through the valley occupied by Lake Tahoe (then known as Lake Bigler), and over Daggett's Pass in the second main ridge. The avoidance of this second ridge was accomplished under Judah's plan by taking advantage of the canyon of the Truckee River, which leads first north from Lake Tahoe, thence east by an easy grade directly through the second ridge and then down to the Nevada plains at the "Big Bend" of the Truckee.

No detailed description of the route so surveyed is necessary here. In general, it was the route actually followed by the Central Pacific rails and differed from the suggested route of 1860 mainly by being carried through Lincoln rather than Folsom. As will be seen later, Judah's successors made certain changes, the most important of which was the shifting of the line to the American River side of the ridge, which they later found better suited for a railroad than the Bear River side, which Judah's first survey quite generally followed. Such changes were, however, relatively minor in effect—the present line being in every real aspect the line planned by Judah. In general, the line ran up the divide between the rivers "from gap to gap,"[94] in order to secure the best possible gradients.

This report bears upon its face ample evidence of the careful work that had been done since the publication of the report on the preliminary reconnaissance the year previous. After giving the details

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[94] "Gaps": The lowest points along the ridge. Thus, there were "Clipper Gap," "Reservoir Gap," "New England Gap," "Secret Ravine Gap," "Dutchman's Gap," and the like, some of which, however, proved impracticable for the line.

of the route selected, Judah, in this 1861 report, showed the actual grades to be encountered, and compared them with the grades on selected eastern railroads. He also discussed the snow problem[95] and that of tunnels[96], and estimated the cost to the state line at an average of $88,428 per mile, and thence to the Big Bend of the Truckee at an average of $83,600 per mile.[97]

The use of this line said he, would, however, produce a saving over the Beckwith route of 184 miles between Council Bluffs and the Pacific and of no less than $13,500,000 on the total cost of the road. From the Big Bend of the Truckee, the Humboldt River might easily

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[95] Concluding "that a Railroad Line, upon this route, can be kept open during the entire year," although admittedly the snow would constitute a not inconsiderable problem. Since the line was to be a "side-hill line" Judah disclaimed much apprehension, especially since the Placerville stage road was kept open continuously through the winter.

[96] The plan called for eighteen tunnels, the longest to be 1370 feet long.

[97] The "Prominent Features of the line" were summed up as follows:

1st. It crosses the Sierra Nevada Mountains, and reaches the Truckee River, in 123, and State line 140 miles from Sacramento.
2d. Big Bend of Truckee, or Humboldt Desert, is reached in 178 miles.
3d. It crosses the State at nearly its narrowest width.
4th. It pursues nearly a direct course from Sacramento to Big Bend of Truckee.
5th. It forms a local road for the counties of Sacramento, Placer and Nevada.
6th. It commands, and will perform, the entire business of Nevada Territory, Washoe and the Silver mineral region.
7th. It will also command the business of newly-discovered Humboldt mineral district, Pyramid Lake, Esmeralda, and Mono mineral districts.
8th. It crosses the Truckee Meadows at the head of Steamboat Valley, which, with Washoe Valley and Eagle Valley, connects with Carson Valley, enabling a branch road, with light grades, to be built to any point on Carson River.
9th. It reaches the summit (or an altitude of 7,000 feet above Sacramento), in 81 miles from the base of mountain.
10th. It reaches eastern base of Sierra Nevada in 11½ miles from Summit.
11th. It follows the valley of Truckee River, without obstacle, to Big Bend or Humboldt Desert.
12th. It entirely avoids the second summit of Sierra Nevada.
13th. Its maximum grade is 105 feet per mile, or less than those of the Baltimore and Ohio Railroad.
14th. The grades down the Truckee will not exceed 40 feet per mile.
15th. The elevation of line is maintained, continuously, to the summit—there being no down grade running easterly to Summit.
16th. An uniformly descending grade is maintained from the summit easterly to the Truckee, or eastern base.
17th. Encounters no elevated plateau or table-land at Summit.
18th. Running to and from summit with maximum grades, cannot have an extensive snow-line.
19th. Runs through extensive forests of Pitch and Sugar Pine, Fir, Cedar, and Tamarack, which latter two species of timber are abundant, and will furnish excellent cross-ties.
20th. Crosses no deep river canons or gorges.
21st. Its longest tunnel will not exceed 1,350 feet in length and no shafting will be required.
22d. Shortest radius of curvature, 573 feet.
23d. Navigable waters of the Sacramento River at all seasons of the year its western terminus; Washoe and the great Basin its eastern terminus.
24th. At Big Bend of Truckee, the line is in position to proceed *via* the Humboldt to Salt Lake, or follow the Simpson route to same point.
25th. *Saving in distance* over route *via* Madelin Pass and head-waters of Sacramento, as surveyed by Lieut. Beckwith, from Lassen's Meadows or Humboldt crossing, 184 miles.
26th. Saving in cost of Pacific Railroad line, taking Lieut. BECKWITH'S estimate from Lassen's Meadows or Humboldt crossing, as compared with cost of present proposed line, is thirteen and one-half millions of dollars.
27th. Reduces the time of passenger transit to and from Washoe to 8½ hours. Passengers leaving Virginia station at 5 A. M., will reach San Francisco the same evening.
28th. Saving in cost of transportation of freight to citizens of Washoe or Nevada Territory one million of dollars per year.
29th. Affords a market for low-class silver ore (now thrown aside), for shipment to Europe, from 3,000 mining claims.
30th. Is advantageously located for an extension to Oregon.
31st. Completes first western link of Pacific Railroad, overcoming its greatest difficulties.

be used, for the contemplated extension to the east, that route being considered by Judah preferable to the more southerly route to Salt Lake, which had been explored by Captain Simpson.[98]

The printed report concludes with a list of the maps and profiles which were attached to the original copy, including complete data on the so-called Beckwith route, with which Judah is thus proven to have been thoroughly familiar at this early stage of the work. This fact has been mentioned before, and this evidence seems of particular value in view of the fact that Judah was hardly in his grave before it began to be said that he either did not know of or ignorantly disregarded this survey and this, admittedly easier, route. It now seems clear, however, that Judah was not only familiar with this route both from Beckwith's report and from personal reconnaissances, but that he deliberately, and for valid engineering reasons, excluded it from consideration.[99]

One of the interesting features of Judah's 1861 survey is that it demonstrated that mere barometric observations were not always to be trusted, the levels run in this first survey showing, for example, that many of the passes of the Sierra Nevada were "much higher" than they had formerly been represented.[100]

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[98] This, said he, was because of: (1) its availability for a connection with Oregon and Washington; (2) the recent discoveries of silver on the Humboldt River near Lassen's Meadows, and (3) the feasibility of this as a railroad route, and the character of the soil encountered. Moreover, said he, "It will not be many years before the new State of *Humboldt* will apply for admission to the Union."

[99] Mr. William Hood, who came to the service of the Central Pacific in 1867, and who, for many years, was Chief Engineer of the Central and Southern Pacific systems, declared to the writer in an interview in San Francisco, May 13, 1925, that in his opinion these reasons are as valid today as when Judah wrote his 1861 report, and that, were there now no railroad over the Sierra, in his opinion the Donner Lake route would still be selected over all others as the best possible route over the range.

[100] While sufficiently accurate for the purposes for which they were made, Judah's "surveys" of the route were not surveys in the strict sense of that term as it is now used by railroad men, says Mr. Hood. They were more by way of reconnaissance—better than mere barometric examinations, for example,—but not true "location surveys" as such would now be made.

Mr. Judah concluded his report of 1861 as follows:

In conclusion I take this opportunity of expressing my obligations to Messrs. Edward Judah, Assistant in charge of Party; John R. Brown, in charge of Levels; H. T. Hall, Topographer; for the able and satisfactory manner in which they performed the arduous duties assigned them; also to Wm. S. Watson, Esq., Chief Engineer of California Northern Railroad, for valuable assistance in office; to Dr. D. W. Strong, of Dutch Flat, who accompanied me in my reconnaissance last fall, who was with me during the entire survey, and whose experience and knowledge of the mountains was of the greatest assistance, and contributed to the success of the survey; also, to S. B. Wyman, Esq., of Virginia; Mr. Neil of Neilsburgh; Mr. Applegate, of Empire Mills; Messrs. Egbert and Brickell of Illinoistown—who were with me on portions of the route; to Chas. Marsh, Esq., of Nevada, who accompanied me on the reconnaissance via Nevada and Henness Pass; also to Messrs. John Shaw, of Mormon Island. and D. W. McKinney, of Georgetown—who accompanied me on Georgetown reconnaissance; also, to Mr. Stout, of Stout's Crossing, Nevada Territory; F. Moore, Esq., of Dutch Flat; and R. P. Robinson, Esq., of Sacramento, for courtesies extended.

Everything was now ready for the campaign to secure the selection by Congress of this route and this company in the Pacific Railroad Bill which Judah now hoped to be able to push through as soon as he could place his new discoveries, maps, surveys and detailed figures before that body.[101] August and September were devoted to mapping the surveys, making profiles and gathering information for use in Washington[102] and on October 9, the directors, well pleased with the work that had been done, adopted the following resolution:

RESOLVED, That Mr. T. D. Judah, the Chief Engineer of this Company, proceed to Washington, on the steamer of the 11th Oct. inst., as the accredited agent of the Central Pacific Railroad Company of California, for the purpose of procuring appropriations of land and U. S. Bonds from Government, to aid in the construction of this Road.

The mission took ten months of hard work, but it was wholly successful, and when "Crazy Judah" returned to California in 1862, it was with the "Pacific Railroad Act" on the statute books and the "Central Pacific" named and accepted as the company to receive the proffered aid.

The Pacific Railroad Bill of 1862

The story of Judah's trip to the Atlantic Coast in October, 1861, has been told and retold by historians and others for more than half a century and it has lost nothing in the telling. Aaron A. Sargent, newly elected as one of the representatives from California, was on the same boat, and Judah himself says:

Our Congressional Representative, Mr. Sargent, being a fellow passenger, a good opportunity was afforded for explaining many features of our project not easily understood, without more than a cursory examination, which explanations were of great service to us in future operations.[103]

Bancroft, charmed with the thought of the coincidence of Sargent's presence on the ship, waxes poetic and tells how the legislator:

Was thus afforded the best of opportunities during the sea voyage of more than three weeks, shut out from the world, with nothing to divert his attention while maps of routes were examined by day, and the whole subject talked over in the warm still nights, when the glory of the heavens was rivalled by the phosphorescent fire of the sea through which the steamer cleft her course.[104]

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[101] On Sept. 2, Judah wrote Strong: "I think the next Congress will be a favorable one to procure lands from the Government, and perhaps it may be money; but of the latter I do not feel by any means so certain; but the lands do not create any debt, and the feeling towards California ought to be a good one." (Strong's Testimony, *op. cit.*, p. 2964.)

[102] Judah wrote (Sept. 2): "Our office work is getting along rather slowly. I hope to get everything finished so as to be able to go on by 1st October, if they still desire me to go." He added that the election of Stanford as Governor, for which all his Sacramento associates were then laboring, would be of great assistance because of the prestige which would come from electing a Republican ticket. (See also Bancroft *History of California,* Vol. VII, p. 546.)

[103] *Report of the Chief Engineer of the Central Pacific Railroad Company of California on his operations in the Atlantic States,* Sept. 1, 1862, p. 3.

[104] Bancroft *History of California,* Vol. VII, p. 547.

Be this as it may, it is clear that Sargent was impressed.[105]

Moreover, in addition to affording this favorable opportunity for conference, the voyage gave Judah time for the preparation of a report on the Sierra Surveys of which he published a thousand copies immediately upon his arrival in New York. He distributed these, as he himself says, "among railroad men, where likely to do us most good, sending copies to President Lincoln, the heads of Departments and to our Senators and Representatives in Congress." Railroad journals republished this report, and it had attained a wide circulation before Congress met.

The Civil War was now raging, and it is probably owing to this circumstance that the Pacific Railroad Bill passed at this session, for the southern senators and representatives, with their violent opposition to all save the Southern Route, were now absent, and the war had already demonstrated the necessity for better liaison between the various sections of the country under control of the Federal Government. Judah was by this time well known in Washington. He had been present during the three previous sessions of Congress, had actively "lobbied" for the passage of an Act to grant lands to the State of California for purposes of railroad aid, and, as has been seen, had also labored indefatigably for the adoption of some practicable Pacific Railroad scheme. The chief difficulty, as he clearly recognized, had been the nebulous character of these previous proposals. Now, however, he appeared with a new enthusiasm, for he brought with him detailed engineering plans and supporting data together with a corporation *in esse* ready to undertake the job from the California end.

Senator James A. McDougall of California, who was in New York at the time of Judah's arrival, assured him of a steadfast adherence to the Pacific Railroad cause and, the time appearing favorable for procuring definite action from the National body, McDougall requested the engineer to arrive in Washington a few days before the convening of Congress to assist in the preparation of a Bill for early introduction. This Judah did, and such a Bill was drafted, following in general outline the Curtis Bill of the preceding session. It now appeared advisable, however, to make the first attempt in the House, rather than in the Senate, and Sargent took active charge of the campaign. He had

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[105] Some years later, and in another connection, to be adverted to later, Sargent, in a letter to Leland Stanford (published in the *Sacramento Union* for February 21, 1865), said:

> You request of me a statement of what I know of the late T. D. Judah's views of the route adopted by the Central Pacific Railroad Company. Few persons had better means of knowing them than myself. Before my election to Congress we had been personal friends. Judah had completed his surveys and profiles just after that election, and proceeded to Washington to lay them before Congress, and urge the passage of a Pacific Railroad Bill. We chanced to take the same steamer. During the passage he exhibited to me the drawings and estimates and enlisted my hearty cooperation in his plan of securing, if possible, the passage of a railroad bill at the ensuing session.

not been assigned to any of the standing committees but merely to the Special Committee on Pacific Railroads, and while, as Hittell remarks, this action could hardly be considered "entirely complimentary"[106] to the new member, it left him free to devote his energies to the one subject.

It was difficult, in these early days of the war to attract the attention of Congress to the project, so Sargent took a bold step, and on January 31, 1862, in the midst of debate upon another subject he obtained the floor and spoke at length upon the Pacific Railroad as a military necessity to the nation. While the House appeared somewhat astonished at the temerity of the new member, the result proved the wisdom of his move, for it drew the attention of all to the subject.

In this speech, Sargent dwelt at length upon Judah's work, accomplishments and estimates, and called attention to the fact that Congress now for the first time had before it a true survey, comparing Judah's work with the former mere barometric reconnaissances of Beckwith and others, and showing the saving over the routes followed by them which would be afforded by using the newly discovered route over Donner Pass.[107]

The immediate result of this action on Sargent's part was the appointment of a special sub-committee of the Pacific Railroad Committee to draw a Bill. Judah had meanwhile obtained the appointment as Secretary of the Senate Pacific Railroad Committee, the Chairman of which was Senator McDougall, and upon Sargent's motion he was now made clerk of the new House sub-committee. He later became Clerk of the main House Committee. The importance of these appointments and their bearing upon the fate of the Pacific Railroad movement can hardly be over-estimated, and it is probable that without such action, which thus gave Judah a semi-official standing before Congress, the Bill would not have gone through to enactment. He now had charge of all the committee papers and documents, as well as the privilege of the floor of both Senate and House. His was the key position, and although these appointments have been characterized as of "doubtful propriety"[108] there is no evidence that Judah ever thought of asking for anything either for himself or for those whom he represented, which he did not consider to be truly in the public interest.[109]

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[106] *History of California,* Vol. IV, p. 460.

[107] See pamphlet copy of this speech, Vol. II, No. 3, Railroad Pamphlets, State Library, Sacramento, or see *Congressional Globe* date mentioned.

[108] Daggett, *History of the Southern Pacific,* p. 47.

[109] Daggett (*op. cit.* p. 48), states that, upon the question whether improper methods could be imputed to the Central Pacific in securing the passage of the Bill, "the weight of the record is in the negative."

Careful examination of the situation soon disclosed that the greatest task confronting the protagonists of the Pacific Railroad was that of securing unanimity of action upon some single plan. No extended discussion of this phase of what followed is here necessary[110] save to consider Judah's relation to the final accomplishment. The Bill, as written, followed quite closely the Curtis Bill of the previous session, and Judah declares that it was in reality, "Mr. Curtis' bill very greatly improved," and that as such, it "commended itself to the practical good sense of the members of Congress who have endorsed it."[111] As to the author of the new material Professor Daggett deems it probable that Judah was responsible for at least several of the important changes that were made in the Bill, among them particularly the retaining for the Central Pacific of timber on mineral lands which had formerly been excepted from the land granting clauses and the increase in subsidy for Sierra Nevada construction in place of construction on the section east of the California boundary.[112]

The debate in the House was warm, and at one time there was grave danger that consideration of the Bill would be put over until the next Session, during which time the organization of local hostility might well have developed to such an extent as effectually to defeat it. Much of the debate centered around the question of the percentage of payments on subscribed capital stock which should be required and how to insure the construction of the middle part of the line by the companies which were to start at either end. Certain committee amendments were added, but most of the proposed amendments on the part of the Bill's opponents were lost, and on May 6, 1862, the Pacific Railroad Bill was carried in the house by a vote of 79 to 49.

The scene now shifted to the Senate, Judah calling a meeting of the Pacific Railroad Committee for the 8th. At a later meeting some minor amendments and one major one relating to the Iowa branch were added to the Bill. This caused considerable trouble, but Judah, during a breathing spell given by the Senate's consideration of the tax bill, succeeded in effecting certain compromises that effectually put an end to this new opposition. This being accomplished, he wrote to the Editors of the *Sacramento Union* on May 23 that "The Pacific Railroad

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[110] It has been the subject of careful consideration by historians. See Bancroft *History of California* and *Chronicles of the Builders*, and Daggett, *op. cit.* pp. 47-48. The Judah Report of 1862 contains a very full account of the Bill and its passage.

[111] 1862 Report, p. 9.

[112] Daggett, *op. cit.* p. 47 — the author adding, however,—"These were import matters, and Judah should not have been permitted to urge them from the vantage point of an official position." Judah's Report of 1862 discusses these amendments at some length.

is a fixed fact, and you can govern yourselves accordingly," adding that the Bill would come up "in about ten days, at any rate, when, should our armies have met with no serious reverses, we may reasonably expect the passage of the Pacific Railroad Bill though the Senate."[113]

True to his prediction, on June 20, after four days of debate, the Bill passed the Senate by a vote of 35 to 5. The House at once concurred in the Senate amendments and President Lincoln affixed his signature on July 1, 1862.[114]

Judah had already filed with the Secretary of the Interior a map of the route projected by his company, the Act providing that upon such filing the lands for fifteen miles on either side thereof should be withdrawn from pre-emption, and having thus preliminarily clinched the bargain between the Central Pacific and the Federal Government, he proceeded to New York to look into the matter of contracts for materials and supplies.

It is not necessary to discuss the details of this Act of 1862.[115] It has been the subject of careful consideration on the part of historians on numerous occasions.[116] In brief, however, it provided for the incorporation of the Union Pacific Railroad Company to build west from the Missouri River, of the Leavenworth, Pawnee and Western Railroad Company to join the Union Pacific Route, and of the Central Pacific Railroad Company of California to construct a road east from the Pacific Coast at or near San Francisco or the navigable waters of the Sacramento River to the Eastern boundary of California, acceptances of all conditions to be filed by these companies within six months.[117] A right of way two hundred feet wide on either side of the middle line of the road, together with necessary lands for stations and other buildings, was granted from the public lands, and in addition certain alternate sections of public land on either side of the line were granted wherever not as yet disposed of. Upon the completion of the first forty miles of road, six per cent thirty year bonds of the United States, to be a first mortgage upon all the road, were to be issued in the amount

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113 *Sacramento Union,* June 18, 1862: In this letter Judah also warmly commends Campbell and Sargent in the House and McDougall in the Senate for their indefatigable efforts on behalf of the measure.

114 Hittell, *History of California,* Vol. IV, p. 461, calls attention to the fact that during this session the House and Senate thus for the first time acted in unison on the same Bill, and attributes "this important and significant occurrence" to "the excellent and efficient Judah." It is said that Judah telegraphed his California backers "We have drawn the elephant; now let us see if we can harness him up."

115 12 Statutes 489 (1862).

116 See for example, Bancroft and Hittell, *History of California;* Daggett, *History of the Southern Pacific,* and Haney *A Congressional History of Railways.*

117 Such formal acceptance was filed by the Central Pacific Railroad Company, on Nov. 1, 1862. (Bancroft *History of California,* Vol. VII., says Dec. 1.)

of $16,000 for the easily constructed sections, of $48,000 for the Sierra Nevada and Rocky Mountain sections (150 miles each) and of $32,000 for the intermediate country between these ranges. The track of all companies was to be of uniform gauge,[118] and forfeiture for failure to construct certain mileage within a prescribed time was provided.

During the consideration of this Bill, Judah had been untiring in his efforts in aid of the project, and the value of his work was acknowledged by Congress in a most unusual and complimentary manner by the presentation to him of a written testimonial of appreciation signed by forty-four members of the House of Representatives, seventeen Senators and the Secretary of the Senate.[119]

After a few days in New York, Judah, having placed the matter of contracts for materials and supplies in the hands of Mr. G. T. M. Davis of that city, sailed, on July 21, for California. For more than twenty years the struggle for a Pacific Railroad in Congress had been well nigh continuous, but now the Federal Government had definitely enlisted its aid and support in favor of the construction of the road, and Judah, in the words of the historian Hittell, "had succeeded admirably; and, so far as seen, his success was due almost entirely to himself, and without soiling his hands or leaving a stain upon his name."[120]

The Beginning of Actual Construction (1863)

Shortly after his return from Washington, and after detailing to his backers the success of his efforts in aid of the Pacific Railroad Act,[121]

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[118] Later fixed at 4 feet 8½ inches.

[119] This testimonial to Judah is perhaps worthy of rescue from the oblivion of his report, that of 1862, pp. 28 and 29. It reads as follows:

Washington, June 24, 1862.

"T. D. Judah, Esq., of California—
Dear Sir:

Learning of your anticipated speedy departure for California on Pacific Railroad business, we cannot let this opportunity pass without tendering to you our warmest thanks for your valuable assistance in aiding the passage of the Pacific Railroad bill through Congress.

Your explorations and surveys in the Sierra Nevada Mountains have settled the question of practicability of the line, and enabled many members to vote confidently on the great measure, while your indefatigable exertions and intelligent explanations of the practical features of the enterprise have gone very far to aid in its inauguration.

Very truly yours,
JAMES H. CAMPBELL,
Chairman Select Committee on Pacific Railroad.
A. A. Sargent,
Of Sub-Committee of House.

Representatives: R. Franchot, Schuyler Colfax, Wm. D. Kelly, T. G. Phelps, Frank F. Blair, S. Edgerton, J. H. Goodwin, A. W. Clark, Burt Van Horn, Augustus Frank, H. G. Blake, John A. Bingham, W. H. Wallace, R. E. Fenton, I. N. Arnold, John B. Alley, William Watt, W. F. Kellogg, Erastus Corning, C. Vibbard, Thos. S. Price, E. Aug. Smith, John B. Steele, Thaddeus Stevens, Edward Haight, Edwin H. Webster, J. S. Watts, W. A. Wheeler, B. B. Van Valkenburgh, Alfred Ely, Jno. F. Potter, Wm. Windom, E. F. Lowe, Elihu B. Washburn. Saml. F. Worcester, Wm. T. Cutter, Cyrus Aldrich, George W. Julian, F. C. Beaman, Theo. M. Pomeroy, Alex. H. Rice, C. B. Sedgwick.

Senators: S. C. Pomeroy, J. H. Lane, A. Kennedy, Daniel Clark, H. B. Anthony, B. F. Wade, Jas. A. McDougall, Milton S. Latham, J. W. Nesmith, Edgar Cowan, O. H. Browning, J. B. Henderson, R. Wilson, L. M. Morrill, John A Wright, Lyman Trumbull, John C. Ten Eyck, John W. Forney, Secy. U. S. Senate.

[120] *History of California*, Vol. IV, pp. 463-4. See the Act of 1864 (13 Statutes 356, 1864), for certain important changes and amendments to the Act of 1862.

[121] In his report of Sept. 1, 1862, above mentioned.

Judah prepared and filed a further report dealing with the existing status of the project.[122] This report contained a statement of the advantages which, in his opinion, would accrue to the company through the new statute, and urged early action to make certain the securing of the governmental aid therein proferred. After discussing the provisions regarding such aid, he mentioned the fact that the Central Pacific Railroad Company was given the privilege of constructing its line easterly from the California line until it should meet the Union Pacific's line building out from the east. This, thought he, was a fact of great importance, and he urged upon the Company the making of an immediate survey as far as Salt Lake in order to determine the probable cost of such an extension "and to ascertain if sufficient inducement exists for your Company to construct said road," adding "I am positive in the opinion, that it will be found advisable to undertake the construction of about 300 miles next easterly from the State line of California."[123]

In his report the engineer also called attention to the fact that the Central Pacific Company was in a particularly advantageous position because of its assurance of the large and lucrative Washoe business, (as to which he declares over five million dollars was then being paid each year for the transportation of freight alone), in addition to the probable local business in the California communities through which the line would run and such transcontinental business as might be expected upon connection with the Union Pacific. Counts of travel on the main Washoe route through Strawberry Valley were included, and the estimated annual receipts of the road in California were placed at $739,490, and from the Washoe trade at $3,917,750, the probable total operating expenses, repairs and taxes being estimated at but $1,000,000. Even the first fifty miles would prove profitable, thought Judah, and he declared that, while the figures of probable returns might appear large,

> It is no less true that the conditions which produce these results are extraordinary, and unlike those which govern the business conditions of any other Railroad ever built, with one exception, viz: the Panama road.

Judah has been criticized for his optimism as shown in this report, and his figures were no doubt altogether too sanguine. As has been mentioned in connection with his estimates of probable business on the Sacramento Valley Railroad, and other similar lines, he followed the then prevailing mode of estimating probable business over a new line in territory such as this, which had never been served by a railroad,[124]

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[122] Report of Oct. 22, 1862.

[123] *Ibid*, p. 45.

[124] See Daggett, *History of the Southern Pacific*, pp. 16-17.

but both he and S. S. Montague, his successor as Chief Engineer of the Central Pacific, were inclined to be quite optimistic in this regard, and a recent observer has declared that if it had not been for the Central Pacific's remarkable operating ratio, which in 1866 and 1867 was but 23 per cent and did not equal 50 per cent until 1877, "the owners of this road could scarcely have kept it out of receivers' hands, so great was the miscalculation."[125]

During the summer and fall of 1862 several parties of engineers were kept in the field, and in December contracts were let to Charles Crocker for grading the first thirty-one miles to Newcastle.[126] On January 8, 1863, Leland Stanford, then Governor of California, threw the first earth upon the enbankment in Sacramento in the presence of a large concourse of people and thus formally celebrated the inauguration of construction of the Pacific Railroad. Speeches followed, and Crocker led the onlookers in nine rousing cheers.[127]

Actual grading commenced in February, under the contract with Crocker, who subcontracted the road in sections to a number of outside contractors. The work was carried forward steadily thereafter, and on the first of July, Judah issued his last report. By that time the iron for the American River bridge had been delivered and some of the rails were en route, while six locomotives, six passenger cars, two baggage cars, twenty-five "platform freight cars" and fifteen "box freight cars" had been contracted for.[128]

This report of July, 1863, dealt principally with the status of the surveys, and the progress of construction, and contained an "approximate estimate of cost" of the first division of fifty miles. It also explained in detail why the Central Pacific could not utilize the older Sacramento Valley Railroad and its Auburn extension as a part of the new location. There has been much misunderstanding upon this point, and the Central Pacific and its projectors have been roundly criticized for not using that already existing line. While the criticism has little basis of fact and probably originated in the fact that the owners of the

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[125] *Ibid.*, p. 18.

[126] See Statement of the Central Pacific Company to the President and the Secretary of the Interior on the "Progress of the Work", dated October 10, 1865, p. 10.

[127] Daggett, *op. cit.* p. 65, says "It was fortunate that Mr. Crocker was enthusiastic, for the difficulties which the Central Pacific had to overcome were serious." He discusses these difficulties in detail. Regarding the ground breaking exercises see the *Sacramento Union,* January 8 and 9, 1863, and pamphlet giving the complete program and speeches (Vol. VII, No. 18, Railroad Pamphlets, California State Library; also in Hopkins Collection, Library of Stanford University).

[128] One of these original locomotives was named by the Company the "Theodore D. Judah".

older line were anxious to unload and were disappointed in not being able to do so, Judah's reasons for the action of the Central Pacific are not without interest. The new road could not utilize the Sacramento Valley line, says he, first, because the older line was eight miles longer than his location between the foot of K Street in Sacramento and Auburn; second, because the appropriations of the Pacific Railroad Bill did not apply to any already constructed road, and thus no Federal aid toward the purchase of the Sacramento Valley line could be expected; third, because the Act required the use of American iron, whereas the original Sacramento Valley line to Folsom was built of English iron which would therefore have to be replaced, while its extension to Auburn, though of American iron, was constructed with altogether too light rails; fourth, because the Federal aid bonds were to constitute a first lien on the road, the older line being already heavily mortgaged; fifth, because, in addition to relaying the line with American iron, a great deal of repair and rehabilitation work was already needed, and sixth, because the proposed Central Pacific location would secure the Marysville trade and prevent competition for this large business by some other line. There can now be little doubt but that the determination to run the new line as Judah proposed was a proper and business-like decision and cannot be harshly criticized.

Judah in this report also discussed the five barometrical reconnaissances that had been run; first, the route via Folsom, Greenwood and Georgetown; second, the finally selected route via Auburn, Illinoistown, Dutch Flat and Donner Pass; third, a route via Nevada City and Henness Pass; fourth, a route via Downieville and Yuba Gap, and fifth, the present Western Pacific route via Oroville, Bidwell's Bar, Middle Feather River and Beckwourth's (or Beckwith's) Pass. Although the last was rejected because of its added length of eighty miles and the longer time which would be required for construction, Judah declared that "this route is reluctantly placed among the list of those denominated unavailable for Pacific Railroad purposes, in the present position of railroad affairs."

On the selected route via Dutch Flat, Judah stated that no less than five trial surveys had been run between Sacramento and Clipper Gap before the route via "Antelope Ravine" was finally adopted.[129] The cost of the first division of fifty miles was estimated at $3,221,496, and it was declared that Assistant Engineer S. S. Montague then (July,

[129] Such trial lines were later run over the whole route, in search of the line of easiest gradients and curves, and the result was a considerable variation in detail between the original Judah line and the location finally run, although, as has already been stated, when looked at in the large the changes were minor.

1863) had a party in the field ascertaining the permanent location for the second division of fifty miles, which would bring the road to a point but six miles short of the summit of the range.

The Break With the Big Four (1863)

In spite of this outward appearance of progress, however, and of this evidence of seemingly successful effort on the part of the Central Pacific, all was not well within the organization. Money was needed and needed badly for actual construction, and business men apparently did not desire to invest in such an enterprise, particularly during the war stringency. Huntington went east in July and met with some little success in disposing of the company's bonds[130] and Hopkins became the watchdog over the finances at home. It has been said that Judah, schooled in the ways of eastern railroad engineers, desired to build "too well," i. e. in a manner more expensive than his financial backers desired. By this time all but the "Big Four" had virtually dropped out of the organization, (whether voluntarily or otherwise need not be discussed here) and the four quite naturally took the position that the less actual cash they had to put up the better. The State and various counties had been importuned for aid, and the stock subscriptions thus obtained had been not inconsiderable.[131] Month after month had passed, however, with little actual railroad building accomplished, and Judah, in this report of July, 1863, urged the necessity of an early survey through the Territory of Nevada in order to hold the charter granted by that Territory, and invited attention to the fact that action by way of letting actual contracts for second and third division construction would have to be taken at once in order to insure completion within the time fixed by Congress.

Already it was being noised about by persons unfriendly to the enterprise that it was nothing but a huge swindle, and as the "Big Four" were now largely interested in the wagon road projected over the range by way of Dutch Flat, it began to be said that the new railroad's owners did not intend to lay any rails beyond Dutch Flat, but were merely concocting a trap for unwary stock subscribers.[132] Whatever may have been the fact, or the cause of delay, Judah was plainly impatient.

Nor was Judah's own position enviable. California's historians

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[130] See Bancroft *Chronicles of the Builders,* Vol. VI, p. 214.

[131] For a discussion of such aid see Daggett, *op. cit.* p. 29, et seq.

[132] This accusation became articulate in a pamphlet published in San Francisco the following year, entitled *The Great Dutch Flat Swindle—An Address to the Board of Supervisors, Officers and People of San Francisco.* This pamphlet, and the answer published by the Company, had at the time a wide circulation among all classes of the population. Stanford, in his testimony before the United States Pacific Railroad Commission, in 1887, declared that the wagon road proposition had looked good to take freight from the end of the rails to Virginia City, but that practically they only got about two seasons of teaming, because of the actual rapid construction of the railroad over the mountains (p. 2927).

have hardly mentioned the rift that was fast developing, although its importance is such that it would appear worthy of careful consideration. As early as May 13, 1863, Judah had written to Doctor Strong that with reference to certains matters of company business he had "as little to do" as though he were not a member of the Board of Directors at all, adding:

> I cannot tell you in the brief space of a letter of all that is going on, or of all that has taken place; suffice it to say that I have had a pretty hard row to hoe——
>
> I had a blow-out about two weeks ago and freed my mind, so much so that I looked for instant decapitation. I called things by their right name and invited war; but counsels of peace prevailed and my head is still on; my hands are tied, however. We have no meeting of the board nowadays, except the regular monthly meeting, which, however, was not had this month; but there have been any quantity of private conferences to which I have not been invited.[133]

Moreover, Judah declared, he had always understood that his services previous to the final organization of the company were to be counted as his first payment of ten per cent upon his stock subscription, whereas Mr. Hopkins now informed him that he had no recollection of any such agreement or understanding. On July 10, Judah again wrote Strong telling of Huntington's return from the east and adding that he "seemed to possess more than usual influence," and that "Stanford, who I told you was all right, is as much under their influence as ever."[134] The wagon road was described as "the tie which united them," and Judah hinted that a rival wagon road under Strong might be a good venture. Of particular interest is the statement that:

> I have had a big row and fight on the contract question, and although I had to fight alone, carried my point and prevented a certain gentleman from becoming a further contractor on the Central Pacific Railroad at present.

Mr. Crocker, who had resigned his directorship in 1862, had, as mentioned above, been given the contract for the first construction as far as Newcastle, and had subcontracted the same. The reference is therefore obviously intended for him,[135] and the records show that the directors at about this time, upon a "hue and cry" that he was a favored contractor, informed Crocker that he could build but two miles between sections eighteen and thirty.[136]

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[133] This letter was filed by Strong at the time of his testimony before the United States Pacific Railway Committee. See its Report Vol. V, p. 2965.

[134] Testimony of Strong, United States Pacific Railway Committee, Reports Vol. V., p. 2966.

[135] This is recognized by Professor Daggett, who thinks Judah's influence prevented Crocker from building sections 19 to 30, adding "This was probably only one of a number of differences of opinion between the Stanford-Huntington group and the original promoters of the Central Pacific, led by Judah. It was only after Judah's death that the first-named interests were able to dominate the situation completely" (*op. cit.* p. 71 n. 11).

[136] Testimony of Charles Crocker, United States Railway Committee, p. 3642. Later, of course, operating under the name of "Contract and Finance Company," Mr. Crocker was given a monopoly in the contracts, with the financial backing of Huntington, Hopkins and Stanford, they later testifying that this was done in order to keep control over the organization. (See United States Pacific Railway Reports, 1887.)

There is much evidence to the effect that Judah did not like certain methods which had been adopted, and considered that some of the subcontractors had not been treated fairly.[137] There was also a difference of opinion as to where the "base of the mountains" was located. An affidavit had been prepared to the effect that it was at a certain point but Judah refused to sign it, saying, according to Doctor Strong: "We cannot sign it, because the foothills do not begin here according to our surveys."[138]

While it is difficult to obtain definite information as to just what was happening between the now rival factions, matters soon seem to have come to a head and it appears that the "Big Four" finally bought Judah out for the sum of $100,000,[139] and gave him an option to purchase their respective shares for a similar amount each. The "Elephant" was growing rather rapidly, was developing in fact, beyond all recognition,—and it is quite probable that during this early period each of the later "Railroad Kings" many times wished himself clean of the "gamble." At any rate, by September matters had become so acute that Judah set sail for the Atlantic States with the avowed intention of obtaining other backing for the project, and on the ninth of that month he wrote his last and perhaps his most illuminating letter to Strong. It was written from the Steamer *St. Louis,* and in it after some mention of the hurry of leaving, Judah declared:

> I have a feeling of relief in being away from the scenes of contention and strife which it has been my lot to experience for the past year, and to know that the responsibilities of events, so far as regards Pacific Railroad, do not rest on my shoulders. If the parties who now manage hold to the same opinion three months hence that they do now, there will be a radical change in the management of the Pacific Railroad, and it will pass into the hands of men of experience and capital. If they do not, they may hold the reins for a while, but they will rue the day that they ever embarked in the Pacific Railroad.
>
> If they treat me well they may expect similar treatment at my hands. If not; I am able to play my hand.
>
> If I succeed in inducing the parties I expect to see to return with me to California, I shall likely return the latter part of December.

This development of strained relations between Judah, together with Strong, Marsh and his other original backers, on the one hand and the

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[137] See testimony of Dr. Strong (p. 2862-3) in which Strong declares that he heard there had been some dispute and that he got his information from Judah

[138] *Ibid.,* p. 2861. But see Stanford's testimony, United States Pacific Railway Committee for explanation of the "Big Four's" attitude on this point.

[139] See discussion, *infra,* of letter of S. S. Robinson to Nevada Legislature in 1865, and the various replies thereto. There is no denial on the part of anyone that Judah actually received the $100,000 mentioned by Robinson, and ex-Congressman John C. Burch, Judah's erstwhile companion on the eastward voyage in 1859 and who knew him intimately, later made the definite statement that this transaction was as stated above. (See speech before the Territorial Pioneers of California, April 13, 1875, published in the *First Annual of the Territorial Pioneers,* 1877.)

future "Big Four" on the other is a fact of great historical interest and importance,[140] and it is quite possible that Judah even feared that a germ of truth lay in the charge of the "Dutch Flat Swindle" (though it is very probable that the wagon road was all along really thought of by the "Big Four" as a mere "anchor to windward"). Judah's chief aim was to complete the transcontinental road at the earliest possible moment. Had he lived, the course of western railroad history might and probably would have been far different from its actuality, for it was not until his sudden death that full control was obtained by the Sacramento group. There is little documentary evidence in relation to the possible eastern backing which Judah hoped to obtain, and his death occurred before he could even see his friends in New York. We know, however, that he had a wide acquaintance in eastern railroad and financial circles, and after his death, Mrs. Judah told his California relatives that the Vanderbilt group, whose interests on the Pacific were already very large, were the people whom the engineer was particularly expecting to be able to persuade to come to his assistance.[141]

That Judah feared the possibility of non-success under the existing conditions is incontestible, and that he would have succeeded in his plan for new backing is very probable. He sailed on the steamer *St. Louis* early in October, but contracted Panama fever while crossing the Isthmus and was in such a state of collapse upon his arrival in New

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[140] Strong (Testimony, p. 2846-7) says that there was no one difficulty, but "a long list of grievances" covering the *modus operandi* of the company. And see article on Collis P. Huntington in Bancroft's *Chronicles of the Builders,* which gives an account of the difficulty from Huntington's standpoint. This account is, however, quite erroneous as to many statements of purported facts.

[141] Statement of Mr. H. R. Judah, of Los Altos, California, (a nephew) to the writer, May 15, 1924. Mr. Judah was well acquainted with his aunt, and frequently discussed these matters with her. He was for more than forty years connected with the Passenger Department of the Southern Pacific Railroad. Burch (*op. cit.* p. 41) declares that when Judah sailed in 1863 his plans were "fully matured, his coadjutors selected and the meeting arranged," and that his aim was "to place his own with a much greater amount of capital held in the East and promised for the use wherewith, by purchase from his former associates, to place the charter and subsidies of the company, together with the management, in the hands of a new set of men of known public spirit, who would, without other designs to hinder or obstruct them, prosecute diligently the main work of completing the railway from ocean to ocean."

That the division of opinion had become known to the public is shown in a statement contained in a short article in the San Francisco *Daily Evening Bulletin* for Nov. 5, 1863, regarding Judah's death, in which it is said that:

> "At the time of his departure the interior press stated that he went on business connected with the Central Pacific Railroad Company, but from a reliable source we are informed that his connection with the Company had then ceased."

Stanford, however, in his letter to the Nevada Legislature of February, 1865, replying to that of S. S. Robinson, of Sacramento, stated that Judah remained Chief Engineer until his death.

York on the 28th that no one was allowed to see him and a few days later, on November 2, 1863, he died.[142]

The obituary notices were most flattering[143] and the Board of Directors of the Central Pacific passed resolutions of sympathy for his widow, mother and other relatives.[144] He was buried in Greenfield, Massachusetts, the girlhood home of his wife.

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[142] Mrs. Judah in her letter said:

It is a fact, even after the survey was made and the next winter's work done in Congress, that the bill was passed. It passed in the following July, the next year after the survey was made. It became a law, and Mr. Judah was back at his post; the work started. They could not take it in as an overland enterprise, nor could they comprehend the magnitude of what they had to do. Judah used to say, when he came home from the Directors' meetings, "I cannot make these men appreciate the elephant they have on their shoulders; they will not do what I want and must do; we shall just as sure have trouble in Congress as the sun rises in the east, if they go on this way; they will not see it as it is. Something must be done. I will not be stultified before Congress and the business world." They did not ratify the contracts made in the East for iron and equipment before he went out and had three months in which to have them ratified. Oh: how he struggled. He had brought them a franchise and laid it at their door; rightly used, giving them unlimited credit throughout the world, and they would beggar it. Oh: some of those days were terrible to us. He felt they were ungrateful to their trust and to him. Governor Stanford was a "Judah man," and so long as he lived he was loyal to him, I believe. Charles Marsh and Dr. Strong were his fast friends. Mr. Judah saw he must place himself differently, and he went to work to accomplish it. It is best shown by his words to me on the steamer, en route to New York in October, 1863. He had secured the right and had the power to buy out the men opposed to him and the true interests of the Pacific railroad at that time. Everything was arranged for a meeting in New York city on his arrival. Gentlemen from New York and Boston were ready to take their places. They could not see him. Two of the gentlemen came to see me in Greenfield, thinking I might be able to give them points for their interests. So you see they were in earnest. I have digressed. To go back to the steamer, Theodore said to me one day, lying in his berth, "What can I not do in New York? I have always had to set my brains and will against other men's money. Now, with money—equal—what can I not do?" He knew what he could do; it was all laid out, but God willed it otherwise and called him home. "Done with the Pacific railroad." "Going abroad with his wife to travel." These were the false stories circulated and printed. Oh, it was such a sin and shame—cruel as death: The truth is, that less than three months would have seen Mr. Judah back, had he lived. These men were satisfied, and new men in their places, His death made them realize the value of what they had in what he had brought them; for others, who appreciated it, made attempts to get it in various ways.

The unpublished portion of Mrs. Judah's letter on file in the Bancroft Library, University of California, contains a touching account of his last illness and death. She always felt a certain bitterness at the lack of recognition of Judah's important background and foundation work on the part of the "railroad kings" of the Central and Southern Pacific.

[143] See, for example, the *Sacramento Union,* for Nov. 5, 1863, article headed "Death of a Distinguished Engineer."

[144] These resolutions read as follows (quoted from the San Francisco *Daily Evening Bulletin,* December 15, 1863):

DEATH OF JUDAH

RESOLUTION OF CENTRAL PACIFIC DIRECTORS.

IN MEMORIAM—At a meeting of the Board of Directors of the Central Pacific Railroad Company of California, held on 11th November, last, the following resolutions were passed by unanimous vote:

WHEREAS, By a dispensation of the Divine will, death has entered the circle of our association, and taken from us one of its late Directors; and whereas, by the sudden demise of Theodore D. Judah, late Chief Engineer of the Central Pacific Railroad Company, the public, as well as the Company, have met with a severe and untimely loss; therefore

RESOLVED, That the Directors of this Company have heard with unfeigned sorrow of the death of their late associate on the Board, a sorrow that is as deeply felt in consideration of his private and social relations as in the remembrance of his long and faithful services in the initiaton of our great enterprise.

RESOLVED, That the death of Mr. Judah, in the prime of his manhood and in the full career of his usefulness, will be felt far beyond the immediate circle of his acquaintance. His ability as an engineer, his untiring energy of character, and the success with which he followed his profession, place him among those whose lives are a benefit to the State, and in whose death the public experiences an undoubted calamity.

RESOLVED, That the earnest sympathies of this Board be extended to her, who is left to mourn the loss of her life's protector, to the stricken mother whose home is made desolate by this unexpected affliction; and to the other members of that family who are called thus suddenly to mourn the loss of a beloved brother.

RESOLVED, That these resolutions be engrossed upon the minutes of the Board and that copies thereof be forwarded to the relatives of the deceased.

Leland Stanford, President,
Central Pacific Railroad Company.
E. H. Miller, Jr., Secretary,
Central Pacific Railroad Company.

The Aftermath

As mentioned above, Judah was hardly in his grave before it began to be noised about that toward the last he had come to doubt the practicability of the Donner Pass route and the plan upon which he had labored so long and earnestly, and that the purchase of his interest in the Central Pacific by the now controlling quartet was in reality a purchase of silence in order to protect them in their alleged "Dutch Flat Swindle." There was probably no scintilla of truth in any of these accusations, but they were used rather effectively to discredit the project, and in 1865 they became the subject of acrimonious debate before the first Legislature of the newly admitted State of Nevada. No commentary on Judah's career would be complete without some mention of this incident.

It seems that the Central Pacific had a powerful rival for Nevada's subsidy and preferment in the so-called "San Francisco and Washoe Railroad" which was projected over the Sierra along the general route of the Placerville wagon road. This route, said its supporters, offered a much better and more feasible way across the range than did that by way of Dutch Flat and Donner Pass, and its chief proponent was none other than L. L. Robinson, with whom Judah had been connected in the construction of the Sacramento Valley Railroad.

We have already adverted to the fact that Robinson alleged that his company had hired Judah to explore various Sierra passes for a wagon road, that the Donner Pass route had been discovered during such explorations and that because of a dispute over the ownership of this discovery the engineer had been summarily discharged under rather unpleasant circumstances. Whatever may have been the truth of these statements, Robinson was a bitter critic of Judah during the last few years of his career, and he now penned a letter to the Nevada Legislature in which he commented caustically upon the dead engineer's work.[145]

After declaring that Judah had never examined the Placerville Route, and that he had never made anything but the roughest preliminary examinations of that over Donner Pass, Robinson declared that the difficulties on the latter route were so great that he "could not con-

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145 This letter and the others here mentioned are contained in the pamphlet entitled *Evidence Concerning Projected Railways across the Sierra Nevada Mountains from Pacific Tide Waters in California* (No. 9, Vol. IV, Pamphlets on California Railways, Bancroft Library, University of California) which has been cited *supra*.

ceive any set of men would seriously undertake to construct a railway over such a country," adding:

> The celebrated engineering work, built for the Austrian government—a railway across the Semmening Alps, from Vienna to Trieste—is a *bagatelle,* as compared with the projected line via Dutch Flat. I can see no obstacles in the way to Illinoistown; but from there it is so heavy, reports and newspaper publications to the contrary, that even Mr. Judah became convinced that the route was a hopeless one, and on his return from Washington, after the franchise was granted, urged the advisability of *not fixing* the route of the road until he or the company could examine other routes; and he *opposed the location as it now exists.* The fixing the route of the road where it is was the cause of his leaving the service of the company; for when he went to New York the last time, he had left the service of the company, and never intended to re-enter it. They gave him $100,000 of their first mortgage bonds (which he left in his will), in order that he should not state what his examinations led him to know was the fact; that the Dutch Flat route was a hopeless one.
>
> Judah possessed no interest in the Wagon Road; the directors did; and the Wagon Road ruled the location, regardless entirely of the merits of the route for a railroad.

Robinson continued by charging that beyond Illinoistown (the present Colfax) Judah's surveyors "found the work so heavy they dare not make public the results of the location." He added that he was so much of an advocate of a Pacific Railroad that he "would gladly, advocate any route which could be built," but that he favored the examination of all routes. He urged the legislators to offer the Nevada bonus to "any railroad that first reaches your state line," which policy, said he, could "hurt no interest except the Central Pacific Railroad." As to Judah's estimates of cost, Robinson declared that if they were trebled they would "still be below the result," because his surveys "were not of a character to base any estimate of cost upon," and after giving statistics as to the cost of numerous other railroads, he concluded:

> My firm conviction is, that the Central Pacific Railroad will cost $250,000 to $300,000 a mile before it is completed to the Truckee, stocked and equipped as a first-class railroad.

Bitter debate followed the receipt of this letter. The Central Pacific had already issued a pamphlet dealing generally with this subject[146] and Mr. Stanford now wrote an answering letter[147] in which he said that he had read that of Robinson and that:

> Recently and since the death of T. D. Judah, Esq., the late Chief Engineer of this Company, I have heard rumors of a similar character, and emanating from the same and kindred sources, but this is the first time they have appeared in a tangible form, so that they could be fairly met. Lest your committees, who may not be aware of the true facts, should be misled by the numerous falsehoods in that letter, and especially as a matter of justice to the memory of Mr. Judah, it is proper that it should not be suffered to pass without notice.

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[146] *Ibid,* p. 9. In this pamphlet, dated January 12, 1865, Judah is characterized as: "One of the most eminent and experienced railroad engineers of the time," and it is declared that in August, 1862, the Company advertized for eight weeks in the *Sacramento Union* for information as to better routes without result. Such delay as had been experienced was largely due to the war, the Company declaring that it was now in position to prosecute the work vigorously, and that two railroads over the mountains were out of the question.

[147] *Ibid,* p. 129.

Contrary to the impression which Robinson attempted to convey that he was intimately acquainted with Judah, the latter, says Stanford, "regarded Mr. Robinson as his bitterest enemy." Moreover, Judah had never opposed the route of the Central Pacific as located, but "always recommended it in the strongest terms," and it was on the strength of Judah's recommendation that the route was selected. Indeed, the directors had approved the selection unanimously after several of them had made a personal examination "of that and various other routes mentioned in Mr. Judah's report."

As to Robinson's implication that Judah's silence was bought, Stanford, after repeating the reasons for selecting the Donner Pass route which Judah had given in his report of October, 1861, declared that if Robinson's statement were true Judah in recommending that route "was guilty of a willful falsehood, and perpetrated a deliberate fraud upon this Company and the public" including the Federal Government.

Moreover, if Judah's silence had been bought, as charged, he would have made every effort to keep it a secret, particularly from "his deadliest enemy." Happily, however,

> Mr. Judah's character as an engineer, respecting which he was particularly sensitive, and as a man of integrity, stands too high to be reached by such infamous assaults. His friends will read these charges with astonishment, if they can be astonished at anything coming from such a source. These charges were made after he had been laid in the silent tomb. They never would have been made if he was living.

Stanford also declared that the Central Pacific paid Judah "a liberal salary" in stocks, and that if he had any of the company's bonds they were obtained by private transactions from other persons. He branded the statement that Judah left the service of the Company as false, saying that "he continued its Chief Engineer up to his death." As to the Judah surveys, Stanford stated that the stockholders and eastern capitalists were satisfied, and he added as to the cost estimate which Robinson had so caustically criticized that the more recent surveys tended to confirm the accuracy of Judah's estimate of approximately $90,000 a mile, while "any increase in the expense is accounted for in the increased cost of material and labor, caused by the war and other unanticipated events." Robinson's motive in his attack, thought Stanford, was wholly due to his pique at not having been able to unload the Sacramento Valley Railroad on the new company, and an emphatic denial is made to the charge that the wagon road ruled the location of the Central Pacific.

> In making the charge [says Stanford] he again betrays his ignorance of facts, for the wagon road was not commenced, nor the wagon road company organized, until long after the railroad was located. It was constructed because it was necessary for the railroad. Without it the railroad, until completed, could only

have done a local business. With it, it is already fully prepared to compete successfully for the Washoe trade.

In a statement attached to this letter, Charles Crocker declared that Judah, before his death, had shown him a letter from Robinson demanding that the Central Pacific purchase the Sacramento Valley line and threatening opposition of every sort if his terms were not met. These letters were widely published and caused considerable of a furor at the time, and among the friends of Judah who now came to his defense was none other than former Congressman A. A. Sargent who had been so influential in assisting in the passage of the Pacific Railroad Bill. In a letter to Stanford dated February 18, 1865,[148] Sargent wrote that Judah had "repeatedly expressed his firm belief in the desirableness and practicability of the route across the mountains now in question," and that "however he might err in his conclusions as to the character of the route he selected, he was unconscious of such error." Moreover, "he never intimated to me that he had changed his views or seen any reason to do so."

Sargent added that he made these statements in justice to the memory of Judah, who had been one of his "dearest friends," and

to avert the imputation that he countenanced and assisted what he must have known to be a gigantic swindle if Robinson's statements of his views are not erroneous. Whether or not Judah would not have preferred another route, I am not prepared to say. I only know that he firmly believed that the route he explored and recommended was feasible.

Robinson renewed his former allegations in a sarcastic and lengthy letter, dated a few days later,[149] in which, although declaring that he did not charge Judah with fraud or corruption, he stated that, in his opinion, "Mr. Judah simply protected himself" when he found that under the "wagon road management he could earn neither credit, money, nor fame." As to Stanford's declaration that Judah remained Chief Engineer until his death, Robinson stated that if this were correct Mr. Huntington would be placed in an unpleasant position, "as I saw his letters in New York stating just the reverse; and Mr. Holmes, Street Commissioner and Trustee of the City of Sacramento, told me but a short time since that Mr. Huntington had given him the same information."

Robinson reiterated that the Sacramento Valley Railroad paid for Judah's explorations, and again declared that the "Dutch Flat Route" was the worst route and "in fact impracticable," later adding that it would never be anything else than a "wagon road feeder," and that:

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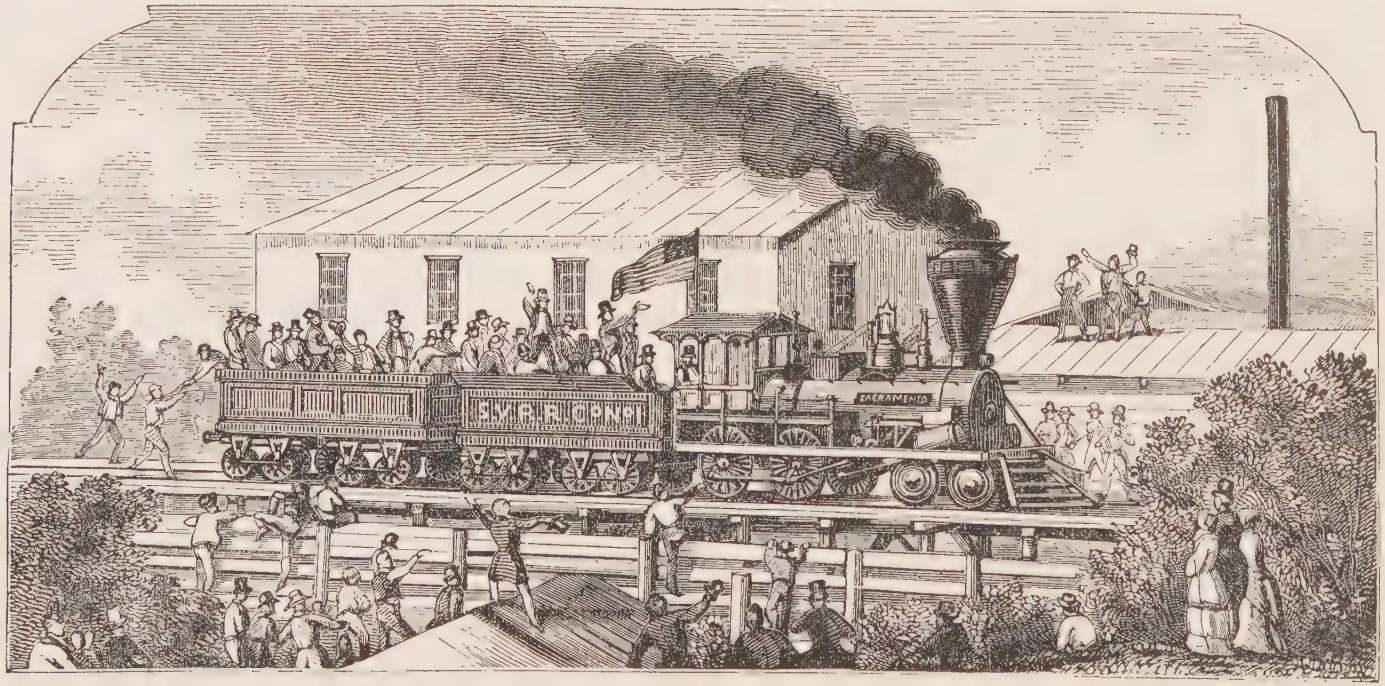
[148] Published in the *Sacramento Union,* February 21, 1865.

[149] Nevada Pamphlet, p. 142 *et seq.*



SACRAMENTO VALLEY RAILROAD, TRIAL TRIP OF AUGUST 17, 1855.

From an illustration in the *Pictorial Union,* Sacramento, January 1, 1856.

Words are cheap and easy to coin. I am frank to say, so far wonderful genius has been displayed in levying contributions upon all interests and everybody, and I only regret that the same genius has not been shown in selecting a route across the mountains instead of dwarfing such a great project to run it into a wagon road.

Moreover, said Robinson, Judah was, in fact, personally in favor of purchasing the Sacramento Valley Railroad,[150] and it was added that "several of the directors" of the Central Pacific, to whom Stanford had alluded, being such eminent engineers, probably knew all about the problems of locating railroads. But this irony availed him little as, apart from certain desultory opposition from Charles E. DeLong (formerly of California) and a few others, most of the Nevada legislators seemed to resent his imputations, and the Central Pacific soon became a reality, while the "San Francisco and Washoe" has long been forgotten. There can now be little doubt but that the charges against Judah, though circumstantial, were unfounded, and that the dead engineer had, in truth, given to the world a proposal the practicability of which he had never for a moment doubted.

Judah's Place in History

As noted above, although certain changes of a minor character were made in the line projected by Judah up the Bear-American River Ridge, the line of the Central Pacific as actually constructed over the Sierra Nevada range was—and remains to day—essentially the Judah line. The reports filed in later years by Mr. Montague, his successor as Chief Engineer, clearly demonstrate the debt owed him by the Company which he had fathered, and it is probable that had it not been for his sudden and untimely death his name would now be honored throughout California.

But he left the stage while the prologue was yet being recited. He had recently disagreed with his former associates (else they might have perpetuated his memory in the name of some town or mount), he had not yet had time to obtain the new backing which he was sincerely convinced he could and would secure in the East, and it is therefore to be expected that he is now quite generally forgotten. Had any of the others who later became the "Big Four" of the Central Pacific dropped out at as early a date they also would no doubt be unremembered. Who now knows anything of Bailey, the Sacramento jeweler, who, it is said, introduced Judah to Stanford and his friends? Yet he was the first Secretary of the Central Pacific Railroad.

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150 This is probably a misstatement. See above for Judah's own statement of his reasons for not advising this purchase.

Judah's was pathfinding work, and without his enthusiasm, his youthful vigor and his undoubtedly magnetic personality, it is extremely doubtful whether the Pacific Railroad dream would have become a reality at anything like the date it actually did. Like the discovery of America, it was bound to come sometime, but just as that fact cannot detract from the merit of Columbus' undertaking, it cannot from that of this youthful engineer. That the "Big Four" was a remarkable assemblage of men, each fitted for a particular task, cannot be gainsaid, but we can only surmise what turns events might have taken had Judah lived to join them in a "Big Five" or to bring out others from the Atlantic Coast. He was too energetic a man ever to remain an underling—he would always have been a leader in the enterprise, and through him there might well have come to the group that human and definitely public spirit which he always advocated and which many have felt that the four lacked.

Judah's friends have been universally warm in their praises of his character and his work. He was an idealist, a dreamer, but with it all he was an eminently practical man, and the accomplishments of his brief career evidence his abounding energy. Of him, his old companion John C. Burch, former Congressman and his fellow passenger on the eastern trip of 1859, once said:[151]

> It is not fit that one who devoted his best days and all his powers, intellectual and physical, to a work which has added so much to the renown and distinction of his country and to his day and generation, should remain unremembered by the people who are enjoying the fruits of his life struggle. It is the purpose of this article—at least in some small degree—to do justice, bare and simple, to the genius, and honor to the name of T. D. Judah, who not only conceived the idea of the early and speedy construction of the Pacific Railway, but by unrepulsed and unwearying exertion and perseverance in the field, in the library and drafting room, before public meetings, in committees and with individuals, did more than any one man in the achievement of this one of the greatest works of civil engineering accomplished in this the Nineteenth century; ever memorable as it is destined to be in the world's history for its vast works of wonderful internal improvements.

Of him, Hon. D. H. Haskell, of Nevada, had said:[152]

> The late T. D. Judah, Esq., Chief Engineer of that Company, was a man well qualified for the work in which he was employed. Standing at the head of his profession as a railroad Engineer—the first to engage in these enterprises on the Pacific Coast, he acquired by practical experience and careful examination, an experience in California not equaled by any other engineer. To him are we indebted more than any other one man, for the practical determination whether a railroad could be built over the Sierra Nevadas. No better man could have been selected by the Company in determining the question which was the best route for a railroad over the mountains.

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[151] See address by Burch on *Theodore D. Judah,* delivered by him before the Association of Territorial Pioneers of California, April 13, 1875, cited *supra.*

[152] See speech on the Pacific Railroad Resolutions before the First Nevada Legislature, 1865. (Vol. IV, No. 13, California Railroad Pamphlets, Bancroft Library, University of California, also Vol. I, No. 6, Central Pacific Railroad Pamphlets, Hopkins Library, Stanford University.)

Hittell, the historian, whose high opinion of Judah and his work was well known, said of the young man's death:[153]

> In him perished a genius—one of the greatest in his important line—without whom the way over the Sierra would not have been found perhaps for many years. Like many other men of genius his reward consisted chiefly in his own activity and the consciousness and satisfaction of doing noble work thoroughly and well. He made for others, or enabled others to make, uncounted wealth and to occupy places of first-class prominence in the world; but, for himself, he made in the way of money, comparatively nothing; and in name and recollection, as new and inferior men took his place and easily continued in the path he had found and so clearly pointed out, he was in a short time substantially forgotten. While the railroad in its completed state and its offspring and imitations, which now span the continent, have changed the face of the globe and engrossed to a greater or less extent the attention of courts and cabinets in almost every quarter of the earth, it is only in old records and reports that the name of Judah, the bright spirit that called them into being, is to be found. But whether remembered as recognized or not—and it is only to posterity and not to him that it can make any difference—his admirable work is his monument, and it must and will forever remain so.

We cannot more fittingly close than with some stanzas of one of California's own poets, Edward Robeson Taylor, unpublished so far as has been ascertained:[154]

The great Sierras, reared their ramparts high,
With cañons stretching deep and dark between;
A roadless, towering steep whose vast demesne
The art of man had never dared defy.

When Judah looked with steady, piercing eye
Upon the abysmal wonders of the scene,
Until he saw with vision grandly keen
The certain path for him to glorify.

And now along the way his genius traced
The locomotive plies, all fears outfaced,
The world of commerce in its arms to bear;
And as its song of triumph man still hears,
All blent with it a paean thrills the air
In praise of him our Prince of Engineers.

CARL I. WHEAT.

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153 *History of California,* Vol. IV, p. 466.

154 Sent to the present writer through the courtesy of Miss Eudora Garoutte of the State Library, Sacramento.

JAMES CLYMAN

His Diaries and Reminiscences

(Continued)

In the Black Hawk War

Some say it was in 1829 that James Clyman abandoned his hazardous life as a trapper, but he had undoubtedly returned to St. Louis two years before then. With the proceeds of the sale of his beaver furs he bought land near Danville, Illinois, and placed his two brothers there to farm.[36] These were John and another, perhaps the Lancaster Clyman that James heard of in Oregon in 1844. This farm may be the one Clyman sold to C. S. Galusha in 1838, for fifty dollars an acre.[37] It was located on the north bank of the Big Vermillion River at the junction of the North Fork and the main stream.

James entered business in a general store with Daniel W. Beckwith, setting up in "one of the first log stores in Danville."[38] Subsequently, it seems, Goulding Arnett took over Beckwith's share in the partnership and the firm continued under the name of Clyman and Arnett until 1839. Lands belonging to Clyman were then sold in order to pay off certain notes which were overdue.[39]

These mercantile pursuits suffered a rude but perhaps not unwelcome interruption in the outbreak of the Black Hawk War. Clyman served for two years. He enlisted as a private in Captain (Dr.) Jacob M. Early's Company of Mounted Volunteers on June 21, 1832, where he remained until July 10 of the same year.[40] During this time Abraham Lincoln was also a private in this company. Clyman told Montgomery of his service with Lincoln, and added: "We didn't think much then about his ever being President."[41]

The details of this first short campaign are well known.[42] A march was made from Dixon's Ferry on the 27th to Whitewater River, where

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[36] *Narrative of Hiram Beckwith,* MS. in the Draper collection, Wisconsin Historical Society.

[37] Note in the Clyman papers, in the Tallman collection.

[38] H. W. Beckwith and Son, *History of Vermillion County, Illinois,* Chicago, 1879, pp. 318 and 325.

[39] Bills and notes among the Clyman papers, in the Tallman collection.

[40] Isaac H. Elliott, *Illinois Soldiers in the Black Hawk War in 1831-1832,* Springfield, 1882.

[41] R. T. Montgomery, *Biographical Sketch of James Clyman,* Calif. MS., Bancroft Library.

[42] Frank E. Stevens, *The Black Hawk War,* Chicago, 1903. Alfred A. Jackson, *Abraham Lincoln in the Black Hawk War,* Wisconsin Hist. Collections, vol. 14, 1898, pp. 118-136. Reuben G. Thwaites, *The Story of the Black Hawk War, ibid,* vol. 12, 1892, pp. 216-265.

the country was scoured in search of fleeing Indians, none of whom were encountered. The only fighting done, as Lincoln afterwards said, was with the mosquitoes.

Clyman was commissioned a second lieutenant of Mounted Rangers July 23, 1832. He joined Jesse B. Browne's company in Major Henry Dodge's newly organized battalion. After the capture of Black Hawk the rangers moved down to Rock Island. There, on September 23, Clyman was appointed assistant commissary of subsistence for Browne's company.[43]

The most important activity of the troops during the next year was the removal of the Winnebago Indians from their ancestral home in Wisconsin.[44] While this movement was in progress Clyman was transferred to the First Dragoons, September 19, 1833. This command was sent to Fort Gibson and finally to Missouri. Here Clyman sent in his resignation,[45] which was accepted on May 31, 1834.

Clyman returned to Danville and his long neglected business only to find himself besieged with accounts from the Commissary General of Subsistence at Washington. Some of these notes went back to the time of Clyman's predecessor in 1832. They requested the return of vouchers and abstracts of ration issues made during campaigns in the field. Clyman stood charged on the books with over $400, and there is evidence that he paid over a part of this sum during the next year.[46] Accountability in the army was then adjusted on an even more minute scale than it is today.

Pioneering in Wisconsin

The Wisconsin wilderness must have remained as a fascinating memory in Clyman's restless soul, for scarcely a year had passed when, with his friend Hiram Ross, he set out northward again. Ross recollects that:[47]

> Clyman & myself came together to Wisconsin about the 7th of January, 1835. We made our claims on government land. We stayed about three weeks in Milwaukee and then went back to Danville together. We travelled on horseback. About the last of February Clyman & I started for Milwaukee again, with two teams loaded with provisions we were about 7 or 8 days on the road. We (Clyman and I) built a sawmill on the Monomonee River about four miles from Milwaukee, in 1836, in the spring & summer.

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[43] Order signed by Major Dodge, in the Tallman papers.

[44] Louise P. Kellogg, *The Removal of the Winnebago,* Trans. Wisconsin Acad. of Sci. Arts and Letters, vol. 21, July 1924.

[45] Letter of Lt. Col. Stephen W. Kearny, dated Jefferson Barracks, May 12, 1834, in the Tallman papers.

[46] Papers in the Tallman collection.

[47] Letter to L. C. Draper, dated Delavan, Wisconsin, July 2, 1879, in the Draper collection.

This mill, later known as the "Ross Mill," every trace of which disappeared more than fifty years ago, was located in the northwest quarter of Section 26, Township 7, Range 21, in the town of Wauwatosa.[48] A large amount of lumber was sawed there. The mill was originally built for the firm of Clyman and Arnett, and Clyman himself furnished two hundred dollars to start the work.[49]

Apparently the first land that Ross and Clyman took up in Wisconsin lay in what, a year later, became the town of Milwaukee. Clyman was "floated out" of all but a fourteenth interest in the town lots which were surveyed upon his claim. On July 20, 1836, he appointed the pioneer, Byron Kilbourn, as his attorney to sell his share in the property which lay in Lot Number 2, Section 20, Township 7, Range 22, in the Milwaukee tract.[50]

In March, 1839, Clyman paid taxes on property in Milwaukee County—"Viz—Lots 1. & 2. of Section 31. Township No. 8. of Range 22 East—Also the North West quarter of Sec. 8. Township No 7—N. of Range 22 East also the N.E. ¼ Sec 18. T. 7. Range 22 East." Clyman's original claim of eighty acres is said to have been a little north of what is now Chestnut Street, in Milwaukee.[51] He was remembered by old-time Milwaukeeans "for his singular traits of character as well as for his daring spirit . . . Few men then living had seen so much of life in the rough, or were better constituted to enjoy it than he . . . To him the frontier was a paradise."[52]

Discontented with his new Milwaukee claim, probably on account of the inrush of squatters, Clyman determined to move on northward. In company with Ellsworth Burnett he was a victim of a tragic event, the story of which has been told by Buck:[53]

> Clyman and Burnett left Milwaukee on the 4th of November, 1835, for a trip to Rock river, in search of land. They reached the river on the second day out. At a point where the present village of Theresa, Dodge county, now stands, they found an Indian Wigwam, occupied by a squaw, from whom they purchased a canoe for fifty cents, in which to descend the river, and into which they placed their baggage and proceeded on their way. They were hardly out of sight of the wigwam, when two Indians, one the husband and the other the son of the squaw, came home, who, on learning what had occurred, at once started in pursuit for the purpose of killing both of them, partly for the recovery of the canoe, but principally to avenge the death of a brother of the squaw, who was killed by a soldier at Fort Winnebago, two years before.

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[48] James S. Buck, *Pioneer History of Milwaukee,* Milwaukee, 1881, vol. 2, p. 13.

[49] Receipt signed by Goulding Arnett, dated "Milwaukie May 24th 1836," in the Tallman papers.

[50] Document in the Tallman papers.

[51] Letter of John Hustis, quoted hereinafter.

[52] James S. Buck, *loc. cit.*

[53] *Idem,* pp. 14-17. Cf. also, A. C. Wheeler, *The Chronicles of Milwaukee,* 1861, pp. 43-47.

Meanwhile, Clyman and Burnett had reached a point about a mile and a half from Theresa, about sunset, and were preparing to take up their quarters for the night in an old deserted cabin which some wandering trapper had erected there in former years, when the two Indians came up and entered the cabin, where Burnett was busy making a fire. He was instantly shot by the son, before Clyman, who was outside gathering wood for the night, had any suspicion of their hostile intentions.

The report of the gun, followed by a screech of agony from Burnett, caused Clyman to look up, when he saw the old Indian, whose name was "Ash-e-ka-pa-we," or in English, "I stand here, or here I stand," standing in the door of the cabin, beckoning him to come quickly, giving him to understand at the same time that Burnett had accidently shot himself. Clyman at once started for the cabin, and had nearly reached it, when the old rascal threw off the mask, and raised his gun to shoot him. This at once opened Clyman's eyes as to what had happened to Burnett, as well as to what would be likely to happen to himself if he remained there long; and he at once commenced to run, jumping at the same time from side to side, in order to make it the more difficult for the old sinner to hit him.

Old Ash-e-ka-pa-we, seeing that his little game was not only discovered, but that his victim was also likely to escape, at once fired, the shot taking effect in Clyman's left arm, breaking the bone just below the elbow; while at the same time the son, Ush-ho-ma, alias Mach-e-oke-ma (or the little chief) came out of the cabin, and taking Clyman's own gun, which stood leaning against it, loaded with buck-shot, discharged the contents into his back [thigh], after which both started in pursuit. This last shot was not very effective, on account of the distance Clyman was from them by that time, for he could run like a deer; and the principal effect was to make him, as he expressed it, "as mad as hell" to be peppered in that way with his own gun, and he would have liked to return the compliment very much, but as *sauve qui peut* was the order of the day just then, he kept on, until the voices of his pursuers, as they called to each other, one of them keeping on each side of, and about parallel with him for a short time, were lost in the distance, when he hid under a fallen tree.*

By this time it was dark, and after listening until their retreating footsteps were lost in the distance, he bound up his wounded arm with his handkerchief, after which he took his course for Milwaukee, distant fifty miles, and every foot of the way an unbroken wilderness. He held his left arm in his right hand, traveled hard all that night, during which it rained steadily, the next day and night, and in the forenoon of the second day came out near the Cold Spring, having eaten nothing during all this terrible journey.

Here he met his old Rocky Mountain comrade, John Bowen, of Wauwatosa, who was not aware that he had left Milwaukee, and to whom he said: "O, John, how I wish we had taken you along. Wouldn't we have fixed them red devils!" He was taken to the house of Wm. Woodward, at the Cold Spring, where his wounds were dressed by Bowen, who was the only one he would allow to touch him, and where he remained until his wounds were healed.

As an exhibition of physical endurance, this has seldom if ever been equaled; and as a specimen of skill in wood craft, never.

The subsequent capture and confinement of the Indians at Green Bay, trial at Milwaukee under Judge Frazier in 1837, and subsequent pardon by Gov. Henry Dodge, was related in Volume I. Neither of them were ever seen in Milwaukee again after their release, at least as long as Clyman remained in the country, for he would certainly have killed them both had he found them. And it might truthfully be said that the fear of him was upon every Indian then here, for not one of them would remain in the town twenty minutes after they got sight of him. A whole regiment of soldiers could not have inspired them with a greater desire for the solitude of the wilderness, than did the presence of this one man. I well remember being in the old corner store where Ludington's block now stands, at the corner of East Water and Wisconsin streets, then kept by McDonald and Mallaby, in the summer of 1837, and watching the effect that the *entree* of Clyman had upon some Indians that were lounging about the store. The moment they saw him they started for the door, casting furtive glances behind them as they went out, while upon his face, as he stood gazing at them, was an expression, and in his

* So close was the search for him that they both stood at one time upon this very tree, beneath which he was concealed, and so near him that he could hear all they said.

eyes a look, that would have frozen the marrow in the bones of a timorous man. They hastened out of sight as soon as possible. It was wonderful what effect his presence had in emptying that store. He was their "Jibbinenosey."*

Colonel Clyman belonged to that class of men ever to be found in advance of civilization, who form the advance guard, the pioneer proper. Consequently the country had no sooner begun to settle up, than he was away . . .

It is recorded elsewhere that the motive for the murder of Burnett "was revenge for the death of an Indian at Fort Winnebago, killed by a sentry, this Indian was brother-in-law of the one who killed Burnett, and the other Indian was son of the murderer."[54]

Clyman was badly wounded. The shot in his thigh were taken out by Milwaukee surgeons, but he limped for a long time afterwards. He is said to have returned to Theresa to obtain his gun, a "double barreled stub and twist shot gun, large caliber." Henry Dodge, who finally pardoned the culprits "on the grounds of expediency," was Clyman's old colonel in the Rangers, and in October of the previous year, 1836, Dodge, who was then territorial governor of Wisconsin, appointed James Clyman, "Colonel of Militia," at Milwaukee.[55]

As a sequel to the Burnett affair, forty-nine settlers petitioned Congress to "pass a law" awarding a square mile of bounty land to James Clyman, who, they said, had lost three hundred and fifty dollars in cash and the use of his arm. They represented him as being "one of the most honorable and worthy citizens" of Milwaukee. The petition was not signed by Clyman "nor by any person in his name or in his behalf," and the claim was not granted.[56]

Clyman, caught in the whirl of the 'land-fever," evidently had been at Green Bay before to take up claims, since in September, 1835, he attended a land sale there as a representative of the settlers in their conflict with the "speculators," and was one of seven who published a card of thanks "for the handsome manner in which their claims were regarded."[57]

From 1836 until 1840 Clyman was back in his business at Danville. Later he took out a contract for the "placing of milestones on the old state road, laid out by authority of the legislature of Illinois, from Vincennes Indiana to Chicago."[58]

In politics Clyman was at this time a Whig. In January, 1841, at the Milwaukee celebration of Harrison's election, Clyman was marshal

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* A name given by the Shawnee Indians to a Quaker, known among the whites as Peaceful Nathan, who marked every Indian he killed with a cross on the breast, with his knife. It means in English, The Devil.

[54] Note appended to *Narrative of Hiram Beckwith,* in the Draper collection.

[55] Information from Miss Annie A. Nunns of the Wisconsin Historical Society.

[56] 24th Cong. 1st Sess. House Claims Committee, report no. 468, March 24, 1836, Report on case of James Clyman.

[57] *Green Bay Intelligencer,* quoted from Buck, *loc. cit.*

[58] *Narrative of Hiram Beckwith, loc. cit.*

of the day.[59] His character and appearance then were probably about as pictured by his Wisconsin friends, who wrote from memory after a lapse of many years:

> Clyman was tall—his height being more than six feet; his shoulders were rounded and a little stooping; he was raw boned and angular; a man of great muscular power, possessed of wonderful endurance; and endowed with a daring courage and coolness of temper that fitted him in a remarkable degree for the dangerous life in which he found employment and pleasure. He was frank and kind to a fault, ever ready to assist a friend in need. He was a splendid rifle shot and a successful hunter.[60]

Buck says:[61]

> He had dark brown hair, and a dark or swarthy [ruddy] complexion. His head was rather larger than the average, with a high forehead. He had small, dark blue eyes, set wide apart, that seemed to look you through. His face was thin and beardless, with high cheek bones. His mouth was small, and his lips, which were thin, were generally slightly pressed together. He spoke with a slight Southern accent, in a clear, distinct tone, and was a man of few words, but of wonderful deeds. In manner he was a perfect gentlemen, courteous and dignified to all; but at the same time not over easy to get acquainted with; and, like Orrendorf [another Wisconsin pioneer], "a dangerous foe when aroused." He possessed the keenest sight of any man I ever knew. He seldom laughed or showed any emotion, except when an Indian was in sight, when an expression would appear upon his face not difficult to interpret, and one that most certainly boded no good to the Indian. He walked with a long, quick stride, stooped a little, a habit no doubt acquired in his early frontier life, from carrying a pack. He was a splendid woodsman; no better ever lived here, and was possessed of wonderful powers of endurance, as his journey from Rock River to Milwaukee after the killing of Burnett, fully proves.

A. C. Dodge, son of Colonel Henry, wrote[62] that "he was noted for enterprise, activity and undaunted courage."

The Emigrants of 1844

In the cold winter of 1842-43, Clyman found himself ill with a cough that had been troubling him for some time. Concluding to try a horseback trip as a cure, he went down into Arkansas and thence up into Missouri to "see the country and try to find a better climate."[63] Arriving at Independence he found the emigrants of 1844 gathering for the trip to Oregon, and remembering how healthy he had been on his previous trips in the mountains, he decided to go with them.

The emigration of 1844, consisting of nearly 1500 persons mostly from the western frontier, outnumbered all the emigrants of the four preceding years. There were five detachments at the start, the three largest of which went through to Oregon. These were led by General Cornelius Gilliam, John Thorp, and Colonel Nathaniel Ford. Gilliam's

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59 Information from Miss Annie A. Nunns.

60 *Narrative of Hiram Beckwith, loc. cit.*

61 Buck, *loc. cit.*

62 Draper manuscripts.

63 Montgomery, *Biographical Sketch of James Clyman, loc. cit.*

party of over three hundred assembled at Fort Leavenworth.[64] Thorp's company traveled an independent route as far as Fort Laramie, following the north bank of the Platte. The party, which after the start elected Ford as its captain, rendezvoused at Independence, where Clyman joined them, and left at least two weeks before Gilliam's train. There were about five hundred persons in Ford's command. These organized into messes of about twenty each, as was the custom before entering the Indian country. Clyman seems to have acted as a sort of treasurer for a part of the outfit.

In addition to the three Oregon trains there was a small party, principally from Holt County, Missouri, captained by the old trapper, Elisha Stephens. They traveled off and on with the main Oregon trains until they reached Fort Hall, when some of them turned aside and went directly into California. This was the Stephens-Townsend-Murphy party, the first to take wagons over the summit of the Sierra Nevada, and the first, as far as known, to cross by the Truckee route. At Truckee (Donner) Lake they built a cabin that was used the next winter by some of the families of the Donner party. In the Stephens train at the start there were said to have been "27 wagons in all, about 40 men, and a large proportion of women and children."[65] Clyman reports that only thirteen wagons turned off at Fort Hall.

A fifth company was that of Sublette. Minto says he was the famous trapper William Sublette. His train was a small one of twenty-two men, half of whom were traveling for their health. After burying at least three of their number his party is said to have repaired to Brown's Hole to spend the summer in the Rocky Mountains.

Black Harris

The Gilliam and Ford emigrants of 1844 were guided to Oregon by the old mountain man, Moses Harris, often called "Black" Harris, or "Major" Harris. He was connected originally with the Ford company, and seems to have been of service to all the emigrants on the road west of Fort Hall. His work then and during the next five years as a pioneer of new immigrant routes across the Cascade Mountains, and into California and northern Nevada, was conspicuous, and entitles him to be remembered as one of the active spirits in the development of the West.

Clyman's facetious verse indicates the happy-go-lucky, jovial good nature of the guide who was famous for his conviviality and love of a good joke or a cheerful yarn.

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[64] *Daily Missouri Republican,* May 28, 1844, quoted in Publ. Nebraska State Hist. Soc., vol. xx, 1922, p. 126.

[65] *Idem,* June 11, 1844, quoted in *ibid,* p. 127.

Moses Harris is said, on rather doubtful authority,[66] to have hailed from Kentucky. Gray describes him as "of medium height, black hair, black whiskers, dark brown eyes, and very dark complexion." He first appears as one of Ashley's trappers in 1823, and was even then reckoned as an "experienced mountaineer . . . in whom the general reposed the strictest confidence for his knowledge of the country and his familiarity with Indian life."[67] It is probable that Harris went out for the first time with Ashley's expedition of 1822.

His proverbial powers of endurance doubtless caused William L. Sublette to choose him as a sole companion on the trip out of the mountains to St. Louis in the winter of 1825-26. Joe Meek said they went "on snow shoes with a train of pack dogs."[68] The following spring Sublette and Harris guided Ashley back through the South Pass.[69] During the thirties Harris became a leader of mountain men, and was active as a trapper and a pilot of trappers' caravans. Nathaniel Wyeth, a rival trader, encountered him, and in speaking of Indian depredations says:[70]

> [Bonneville] lost one entire party among the Crows that is the Horses and of course all the Beavers. A party under Bridger and Frapp also lost their horses by the Aricarees, also Harris party lost theirs by the same Inds. who have taken a permanent residence on the Platte and left the Missouri which is the reason I go by the last named river. Harris party did not interfere with any of my plans south of Snake River . . . Harris party now in hand 7 packs Beaver and are on foot.

Hinman claims that Harris conducted Marcus Whitman, the missionary, across the mountains.[71] Harris was with the trappers who convoyed the Whitman party as far as the rendezvous on Green River in 1836, as appears from the fact that Mrs. Whitman had him to tea on June 4, 1836.[72] Whether he met Whitman and Parker the previous year I do not know. In 1838 he traveled across the plains in the trappers' caravan which escorted the American Board missionaries, W. H. Gray, Elkanah Walker, Cushing Eells and A. B. Smith. Mrs. Eells mentions him in her diary under dates of April 28, May 26 and July 4.[73]

Harris' interest in the acquisition of the Far West is first evident

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[66] W. H. Gray, *A History of Oregon,* Portland, 1870, p. 125.

[67] J. P. Beckwourth, *Life and Adventures,* New York, 1856, pp. 23-24.

[68] F. F. Victor, *River of the West,* Hartford, 1877, p. 81.

[69] H. C. Dale, *Ashley-Smith Explorations,* Cleveland, 1918, p. 165.

[70] *Wyeth's Journals and Correspondence,* in *Sources of the History of Oregon,* vol. 1, no. 1, pp. 69-70; Letter to F. Ermatinger from Green River, July 18, 1833.

[71] *Recollections of Alanson Hinman,* Oregon Hist. Society Quarterly, vol. 2, 1901, p. 266.

[72] *Diary of Narcissa Prentiss Whitman,* Trans. Oregon Pioneer Association, 1893, p. 105.

[73] *Journal of Myra F. Eells, ibid,* 1889.

from his letter written to Thornton Grimsley offering to join a filibustering expedition:[74]

Independence [Missouri] June 4th 1841.

Your name is well known in the mountains by many of your old friends who would be glad to join the standard of their country, and make a clean sweep of what is called the Origon Territory; that is to clear it of British and Indians. I was one of seven hundred who invited you to take command and march through to California, and will be with you if you can get the Government of the United States to authorize the occupancy of the Origon Country. I have been as you know 20 years in the mountains. The British have now taken possession of Fort Hall, formerly a trading post of some American trappers, and are repairing and putting it in military customs. Why our Government suffers these things I know not. The North West Company does not only take from our territory from one to two millions of furs and peltries per year but they influence the Blackfeet, and other tribes of Indians to take our scalps.

On January 7, 1844, the *New Orleans Picayune* printed the following:[75]

Major Harris, the same "Black Harris," who has been mentioned in our mountain sketches, and a famous old traveler, is now at Independence, preparing for a great expedition to Oregon next spring. He is connected with Major Adams, who gives some excellent advice to emigrants wishing to join them. Major Adams says that notwithstanding "large bodies move slow," he can easily move his expedition even to the shores of the Pacific in four months . . . .

Again on March 13, 1844, the *Picayune* mentions an article published in a paper in Independence, Missouri, in which Moses Harris corrects certain statements made by T. J. Farnham respecting the road to Oregon. Harris, it is asserted, "has traveled the route over and over again, and knows every tree, creek, spring, hill and hollow that lies in the way of the traveler."

After guiding the emigrants through, Harris remained three years in Oregon, engaging in road building and exploration. During the year 1845 he is reported to have been "hunting a better road than the one now [then] travelled from Fort Hall to Oregon City . . . He is as fearless as an eagle, strong as the elk, preferring the wild haunts of the Indian and the buffalo to the tameness of civilized life."[76]

The route down the Columbia having been found difficult and a number of lives having been lost by drowning in the passage of the Dalles, public-spirited citizens of the Willamette had subscribed $2000 in the summer of 1845 for the discovery and exploration of a new road across the Cascade Mountains. Elijah White, sub-Indian agent in Oregon, set out with a party, including Harris, in search of a feasible pass. They traveled the whole length of the east side of the Willamette valley and finally, in order not to return wholly unsuccessful, explored a short route to the sea through the Coast Range.[77]

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[74] Quoted from the Oregon Hist. Society Quarterly, vol. 24, 1923, p. 438.

[75] *Idem,* vol. 21, 1901, p. 194.

[76] *St. Louis Reveille,* Aug. 25 and June 9, 1845.

[77] Bancroft, *History of Oregon,* vol. 1, pp. 484-485; A. J. Allen, *Ten Years in Oregon,* Ithaca, 1850 ed., pp. 265-275.

White, Harris and six others then started again for the States with dispatches for the government and testimonials which White had obtained in order to secure the post of governor of the territory. At White's request Clyman wrote an account of Oregon, a draft of which is printed farther on in the course of this article.

Harris left the party near the Dalles, and some time later was met there by Stephen H. L. Meek, who had just made a disastrous failure of an attempt to guide a large party of emigrants through the Cascades from the head of the Malheur River. Meek, leaving his train on the Des Chutes, in desperate circumstances, had gone ahead for supplies. Harris with a few other whites and Indians hurried back with packloads of food, axes, ropes and other material to cross the gorge. A suspension ferry was improvised and the wretched party was conducted to the Columbia, where many died of famine and disease.[78]

Continued efforts were made, during 1846, to find a way across the Cascade Range. Barlow's trail over a pass near Mount Hood was, so far, impracticable. In the spring, Harris and six other road hunters failed in an attempt to locate a pass at the sources of the Willamette. Another attempt was made in May by Captain Levi Scott and a small party which again included Harris. They were compelled to return for reinforcements to resist the Indians, but went out again in June, fifteen strong, on a final successful effort. Before starting they talked with Peter Skene Ogden, who told them that the Klamath country would probably not be found passable for wagons.

The trail they explored—one afterwards traveled extensively by Oregon and California immigrants—led across the Calapooya Mountains to the canyon of the Umpqua, up that and into the Rogue River valley, thence southeast to the foot of the Siskiyou Range, on the old California trail, thence across the Cascades to the Klamath River, Lower Klamath Lake and the scene of the Frémont massacre the previous April, then by way of Hot Creek, the lava fields, Lost River, Tule Lake, Goose Lake, Lassen Pass, Surprise Valley, Mud Lake, Boiling Springs, Black Rock Desert, Rabbit Hole Springs and Alkali Lake to the California road at the Great Bend of the Humboldt River.[79] Applegate says that Harris "spoke the Snake language fluently and was of great service to us on the plains" during this expedition.

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[78] Cf. Joel Palmer, *Journal of Travels,* Cincinnati, 1847, p. 63; also W. A. Goulder, *Reminiscences,* Boise, 1909, pp. 124-133.

[79] *Oregon Spectator,* April 2, 1846; letter of Nathaniel Ford, *ibid,* July 9, 1846; letter of Moses Harris, *ibid,* Nov. 26, 1846, in answer to an editorial in *ibid,* Oct. 29, 1846; Lindsay Applegate, *Notes and Reminiscences,* in [*Portland*] *West Shore,* Sept. 1877—June 1878, reprinted in Oreg. Hist. Society Quarterly, vol. 22, 1921, pp. 12-45.

An expedition to assist the starving emigrants on the Applegate road was made by Harris and others in December, 1846. South of the Calapooya Mountains the people were found "in bad shape—mostly all packing and some starving, some killed by Indians." Harris stopped on the Elk River to help the destitute families. The relief expedition was gone fifty days during very cold, stormy weather. "The public is doubtless aware of the humane object of our trip. It was to relieve our *fellow-beings* who were suffering almost beyond description . . . We succeeding in relieving many who must have perished."[80] In the next year the immigrants by the Applegate road came through in good order while those by way of the Dalles suffered the usual hardships of that route.

Harris left the settlements in Oregon on the fifth of May, 1847, in company with seven men and twenty animals laden with packs of robes and skins for trading purposes. Late in June, at Pacific Springs, near South Pass, this party met the advance guard of the Mormon pioneers. According to the journals of Orson Pratt, Howard Eagan, Wilford Woodruff and William Clayton, Harris gave a discouraging account of the valley of the Great Salt Lake, sold them some goods and showed them a file of the *Oregon Spectator* and a copy of Sam Brannan's *California Star*.

Clayton gives Harris description of the land which became the Mormon Canaan:

> Mr. Harris says he is well acquainted with the Bear River valley and the region around the salt lake. From his description, which is very discouraging, we have little chance to hope for even a moderately good country anywhere in those regions. He speaks of the whole region as being sandy and destitute of timber and vegetation except the wild sage. He gives the most favorable account of a small region under the Bear River mountains called Cache Valley where they have practiced caching their robes, etc. to hide them from the Indians. He represents this as being a fine place to winter cattle . . . Mr. Harris has described a valley forty miles above the mouth of the Bear River, and thirty miles below the Bear Springs which might answer our purpose pretty well if the report is true.

Harris told Orson Pratt that he planned to remain and seek employment as a guide to some of the emigrant parties. He probably did stay a few weeks in the Rockies since it was his fortune to meet Commodore Stockton, who had left California on June 20, and to proceed with him to Missouri.[81]

It was said that he intended to return to Oregon, or more probably to California, the next spring, but fate had a longer journey in store for

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[80] Thomas Holt, *Journal,* in *Oregon Spectator,* March 4, 1847. Thornton's denunciation of the Applegate road explorers whom he met at Fort Hall is criticized in Bancroft, *History of Oregon,* vol. 1, pp. 555, 562, 565-566. Cf. also Trans. Oregon Pioneer Association, 1878, p. 69.

[81] *St. Louis Reveille,* Jan. 3, 1848; *Liberty Tribune,* Dec. 10, 1847.

him. He was seized with the cholera and died on Sunday, May 6, 1849, at Independence, Missouri. Cholera, "the scourge of the country," was then making fearful havoc along the emigrant routes and was "carrying off large numbers of the Californians and citizens" at Independence.[82]

Clyman leaves a memorial to Harris in this verse, which though not intended as an epitaph might have been appropriate for one:

[On a slip of paper]

Here lies the bones of old Black Harris
who often traveled beyond the far west
and for the freedom of Equal rights
He crossed the snowy mountin Hights
was free and easy kind of soul
Especially with a Belly full.

[TO BE CONTINUED]

[82] *Warsaw Morning Visitor,* May 19, 1849; *Missouri Republican,* May 13, 1849, from the files of the Missouri Historical Society. In an early western story, *The Prairie Flower,* one of the characters, a trapper, guide and yarn spinner called "Black George," bears a considerable resemblance to Harris. Bancroft (*History of Oregon,* vol. 1, p. 515) indicates his belief that this character is Harris, but farther on in the same work (vol. 2, p. 691) the statement is made, probably by Mrs. Victor, that the individual represented was George W. Ebberts, the "Black Squire" of the mountains. Sydney W. Moss in his recollections (*Pioneer Times,* Bancroft Library, Pacific MS. no. 52) lays claim to the original version of the story, which he says was a true account of his own journey across the plains in 1842. Moss sent the manuscript east with Overton Johnson, who turned it over to Emerson Bennett. Bennett changed the names of the principal characters, and published the story at Cincinnati in 1849. (Cf. Wagner, *Plains and Rockies,* pp. 85-86.)

It seems that the author of *The Prairie Flower,* whoever he was, had been well initiated into the society of the mountains. Some of the choicest specimens of trappers' dialect in existence flow from the lips of "Black George." A reading of Moss' *Pioneer Times* would scarcely convince one that Moss could have produced literature of this kind. Suspicions that he did not write the story are strengthened by the title page of a copy of *The Prairie Flower,* in the Bancroft Library, on which the words "S. and A. Allen" are pencilled in place of the printed name of Emerson Bennett. Perhaps it should be added that there was a Samuel Allen in Oregon in 1847.

THE FIRST NATIVE-BORN CALIFORNIAN PHYSICIAN

A Memoir of Dr. Platon Mariano Guadalupe Vallejo

Although the Mission of San Francisco Solano was erected July 4, 1823, and General Vallejo, in order to protect the northern California frontier against the Russians, built the first adobe dwelling and founded the town of Sonoma in 1833, there was no doctor there until many years later. But to Sonoma, along with many distinctions, belongs the honor of being the birth place of California's first native-born physician and surgeon. His father was the General himself, Mariano Guadalupe Vallejo, and his mother, Francisca Benicia Carillo — both of whom were descendants of the first families of Spanish-California. Beyond a doubt General Vallejo was the most notable and representative man of his people in the province, his position, during the Mexican rule, paralleling that of the proudest knights in Spain's heroic age. He held absolute sway for a hundred miles and he "kept the border." In fact, the General was the most important personage in Alta California. He was related to all the Spanish families of note and their family influence was tremenduous. In addition, he was the most intelligent as well as the wealthiest man. He owned the largest and finest ranch in the province, estimated at 100 square leagues. His ranges alone were stocked with 10,000 horses, of which 1000 were broken to the saddle; and he dispensed a hospitality so generous and universal that it was admired and extolled even among the old Spanish families.

At first this hospitality was dispensed from the picturesque adobe and later from that castellated one that faced the north side of the plaza, and still later from that of the historic Lachryma Montis which cost about $60,000, its parts being assembled from all parts of the world, —the mantlepieces from Honolulu, the iron from China, and the bricks from South America. There were fountains in the orangery and olive groves; a Swiss chalet imported from Europe, on the shores of a beautiful walled lake, and a pavilion of iron, glass and bamboo, designed in China, stood in the well-kept shrubbery. In the mansion was a library stocked with the world's best literature, for the General loved good books — Spanish, French, Italian, English, all of which languages he spoke fluently and read easily. He was reading Shakespeare's *Titus Andronicus*, when the oldest son Adronico was born; Plutarch, when Plutarco was ushered into the Vallejo homestead; about Bonaparte, when the little Napoleon was announced; and Plato was engaging his mind when the future physician-surgeon, Platon, made his appearance upon the scene, February 5, 1841. These were only a few of the

DR. PLATON VALLEJO AND HIS FATHER IN 1865.

From a daguerreotype taken at the time of Doctor Vallejo's graduation from the College of Physicians and Surgeons, Columbia University, New York City, and now in the possession of Mrs. Charles McGettigan.

seventeen born under three administrations, the last two of whom were dubbed by their brothers and sisters, "the little Yankees," as they arrived after the American occupation.

Platon was born in "the largest and handsomest adobe in California," the one with the tower illustrated here. It fronted the plaza and adjoined the residence of his uncle, Captain Salvador Vallejo. Lieutenant Wise[1] (Harry Gringo) visited this adobe in 1847 and writes that it was "200 feet long, of two stories having a tier of balconies above." Platon remembered well the visit of this young naval officer, and as the lieutenant speaks of the children it may be well to continue his observations. He arrived at night and was "ushered through a spacious porte cochère, into a large sala, and was graciously received by the lady of the mansion," the General being absent on important business. The greetings being over he repaired to the apartment assigned to him on the first floor. This apartment was "well furnished, the walls papered; books, cases, prints and mirrors in profusion." The Lieutenant was "somewhat surprised, not believing so much refinement, in that which is termed modern civilization, existed in the territory. The Señora herself, assisted by a well-behaved youth, did the honors of the supper table; and after we had made a hearty meal, she retired and left us to the enjoyment of chateau margaux and cigars. During supper we were complimented by a serenade, sung by a number of Russians and Germans, whose harmonious chorus, and songs of 'Faderland,' almost carried us away to the Rhine." Shortly after dinner the guests sought the music room where the little daughters of the house were performing on the piano. "They had been properly instructed, and performed remarkably well; besides, they were pretty, becomingly attired, and, what is still more commendable, exceedingly well-bred." Towards midnight the Lieutenant expressed his "buenas noches" and retired to his apartment, and into the clutches of the curse of the country—"las pulgas." Such was the home into which Platon was born, a home that partook of the atmosphere of a castle. Platon well remembered the sentry who used to pace up and down in front of his father's home, and Bidwell,[2] for one, recalls that when he first visited Sonoma it was the custom of the Californians in passing the General's home to remove their hats, and not to be outdone in this token of respect, Bidwell did likewise.

Platon is said to have been the General's favorite son, and certain it is that his father took great pride in the precocity of his eighth child, who had such a marvelous memory that in after years he could recall

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[1] Wise, Lieut., U. S. N., *Los Gringos,* New York, 1850, pp. 123-125.

[2] Bidwell, John, *Reminiscences,* MS., in Bancroft Library.

being suckled at the breast. The General used to take him everywhere with him, and it was not long before this youth could converse with him in French and Italian, as well as Spanish, but the General felt that this favored son should also acquire the Indian language; so he provided him with a body guard — the Suisun Indian, Tomo, the same who had been "left for dead with small-pox, buried alive, resurrected from the grave by a body-snatcher of a bear, and partially devoured," but who survived, though lame for life; yet was able to herd the General's imported Merino sheep, as well as the young Platon. The youth was extremely fond of Tomo and spoke of him fondly to the end of his days. From him he learned considerable Indian legendary lore, various stories of this Indian race and the Suisun tongue—so well did he acquire the latter that up to the day of his death he could converse fluently and even translated the Lord's Prayer into that language. Solano, the chief of this tribe, was also a great pal of the young Platon, and especially was the latter thrilled when sitting on the chief's broad shoulders, "he went charging about the grounds, the earth below seeming very remote," for Solano was a magnificent specimen of manhood, six feet seven inches tall, and of a mould so noble that he could have served as a model for a Hermes.

In 1846, the General went to the Junta at Monterey, and Platon could remember waving him good-bye, and later hearing about his father's speech favoring annexation to the United States when many of the other delegates wanted California to be a remote Russian, English or French step-child. Still later he remembered Lieutenant Revere[3] of the United Sates Navy coming to Sonoma to discuss with the General the story of the Junta, and he saw his father sign and correct both the Spanish and English texts of his pro-American speech and give them to Revere. So his momentous days passed until the fatal Sunday night of June 14, 1846. Just as dawn was breaking, he was awakened by a tumult outside. He was surprised to hear so much noise on a Sunday morning, so he slipped out of bed and peered out of the window. "Many strange men were outside in strange looking clothes. The people of the little town seemed excited." He remembered thinking it was lots of fun. He did not know then that he was witnessing the historic Bear Flag war or that the elderly man he could hear declaiming was William Ide proclaiming California an independent republic, but he remembered very well seeing his beloved father hand his mother two pistols and saw him whisper something in her ear, and later he knew that the firearms were handed over with the whispered

[3] Revere, Joseph Warren, *A Tour of Duty in California,* New York, 1849.

Residence of General M. G. Vallejo, 1839, on the northeast side of the Plaza of Sonoma.
From an old painting in the possession of his granddaughter, Mrs. Charles McGettigan.

admonition to protect "our home, our children and your honor." He recalled his noble father in the dawn of that summer day as looking content as he rode away waving "adios" to his family. Then he gave his attention to events transpiring close at hand. Looking below he saw a man painting the figure of a bear on a piece of white cloth. He wanted to declare himself in on this delightful job, so he hurriedly dressed and went down stairs. The man was very disturbed in his work by the wind, which ruffled the cloth; so Platon stood on one corner of it, to hold it down; but had he realized it was the Bear Flag he would have stamped on it with both feet. That was the one thing in his life in which the Doctor never took any pride.

When Platon was eleven years old, the General sent him via Panama to Mt. St. Mary's College, Baltimore, Maryland, and there he remained until he was graduated at eighteen years. After that he entered the College of Physicians and Surgeons, Columbia University, New York, and was graduated first in a class of seventy-two, receiving the faculty prize.

Before he received his M. D. degree the Civil war was in full blast and Dr. Willard Parker entered the classroom one day and asked for surgeon volunteers. Doctor Vallejo was the first to signify his willingness. With others he left that night for Washington, and received his baptism under fire during the last days of August, 1862, in the second battle of Bull Run, and although well aware of the derivation of the name Bull Run, the Doctor used to say, in that human but jocose way of his, that in that engagement he ran faster than any bull. Quite a change in atmosphere from the class room of a medical college to the holocaust of that bloody battle; but the Doctor passed through that ordeal with honors and used to relate that he worked all night after those tragic days picking up the maimed and the wounded and giving them such succor as was possible in the field. Once in the dead of night as he was picking his way over the battle field looking for the wounded, he ran head on into a Rebel officer, and recognized in him a fellow Columbia classmate, but now a Confederate doctor. The two harried young surgeons were much affected by this chance encounter on the battlefield and fell, for a brief second, into each others arms—parting never to meet again. The Doctor was present at many other engagements. During the war, General Vallejo hurried to Washington to see his son and together they were often onlookers behind the lines with Grant, Sherman or Sheridan—all three of whom had been guests and royally entertained at Lachryma Montis. The Doctor never became accustomed to hearing his father address General Grant, simply

as "Grant" and vice versa—but his father said, "Why not? Aren't we both generals, and it's tit-for-tat."

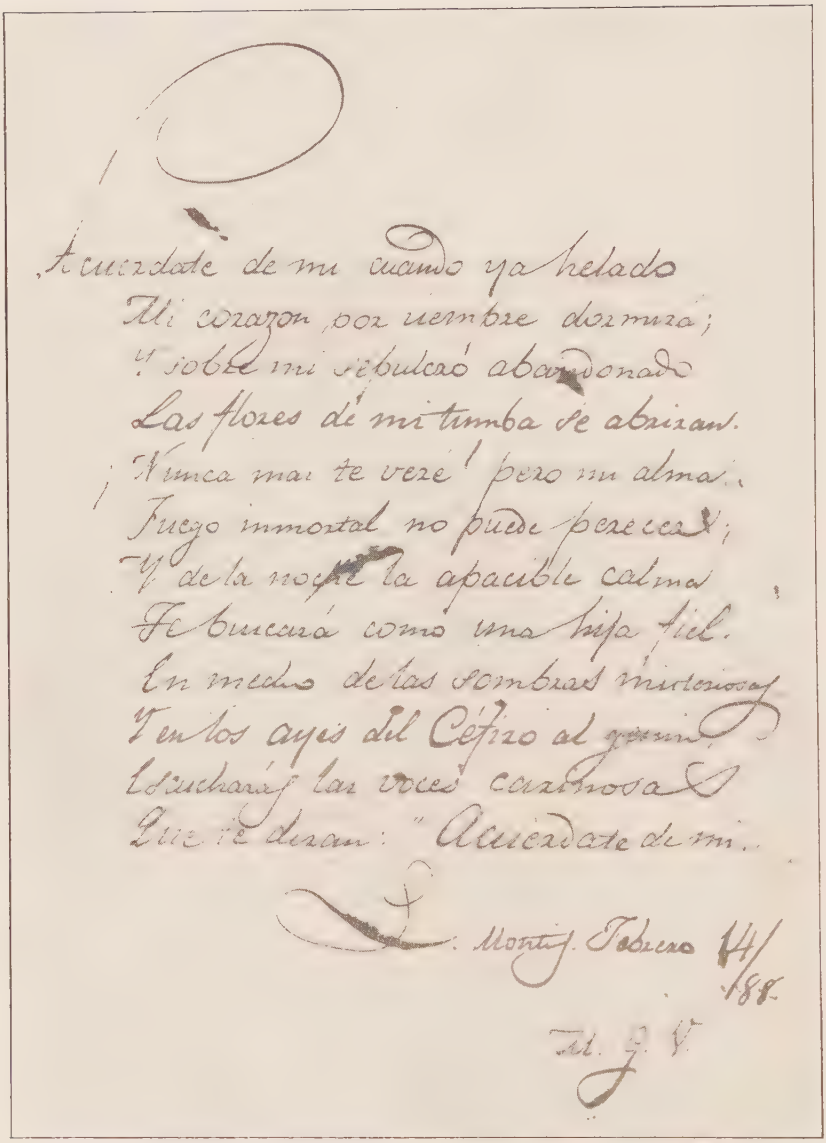
General Vallejo and the Doctor had several audiences with President Lincoln. On one occasion they found the President tipped back in his swivel-chair, his feet on his desk. This amused the Doctor immensely and his father explained it as a "Yankee fashion." One day at a similar conference after a long talk on the wonderful accomplishments of the California pioneers, a break came in the conversation and General Vallejo remarked in a musing way: "Mr. President, I hope a lot of our American people will go to hell before you and I get there." Doctor Vallejo was staggered at this unusual wish of his parent, but the President, unperturbed, briefly asked: "Why"? "Because," said General Vallejo, "the Americans will change the climate, plant trees, introduce irrigation, build railroads, make everything cheerful and pleasant, and by the time we get there we can sit down at a marble top table and eat ice cream."

President Lincoln thought so well of the General's opinion of Americans that he repeated this story several times.

At another time the Vallejos found the President plunged in melancholy thoughts and he appealed to them as to what he should do with the emancipated blacks. "Why get a green-back machine, Mr. President," retorted the General, "and build a railroad to California, set the negroes to work laying the ties and pay them with green-backs."

With the conclusion of peace the Doctor returned to Columbia University, where his M. D. degree was bestowed upon him. Then he returned to the Pacific Coast and became surgeon on a Pacific mail steamer plying between San Francisco and Panama. In 1868, on a return trip, he met the young and beautiful Lilly Poole Wiley, daughter of James Wiley of Syracuse, New York, who later became his wife.

Then the Doctor opened his office at Vallejo, practicing there for fifty-five years. This part of his life was a hard but joyful service as his fame as a surgeon spread all over northern and central California and he was forced to ride on horseback to visit cases in Solano, Sonoma, Contra Costa and Napa counties, often covering ninety miles a day. At the navy yard he enjoyed an enviable reputation; in any difficult surgical problem his services always being requisitioned. As an obstetrician, he was specially sought, often being called to ranchos far remote from Vallejo; and frequently by the severity of the case, being required to remain a week. He belonged to that type of old time practitioner, the family physician, who unfortunately for the laity are now all but extinct. Not only was he called upon to minister to the sick—men, women and children—but to those heavily laden with anguish. He was


Acuérdate de mi cuando ya helado
Mi corazon por siempre dormirá;
Y sobre mi sepulcro abandonado
Las flores de mi tumba se abrirán.
¡Nunca mas te veré! pero mi alma...
Fuego inmortal no puede perecer;
Y de la noche la apacible calma
Te buscará como una hija fiel.
En medio de las sombras misteriosas
Y en los ayes del Céfiro al gemir
Escucharás las voces cariñosas
Que te dirán: "Acuérdate de mi."
Monterey. Febrero 14/ 188.

Poem written by General Vallejo shortly before his death.

an ever refreshing font—a man so cheerful and light-hearted that those in trouble hastened to his door to unburden their secrets and sorrows. The Doctor is said never to have rendered a bill. His patients paid if they so desired; otherwise it was forgotten. Sometimes in place of money a load of hay, a turkey or brace of ducks were presented at his door. He was generous to a fault; his charities marvelous. He gave but never asked; the epitome of his life being "service." Scrupulous, conscientious—his ruling passion may be said to have been adoration of his church and of his earthly father. No matter where or on what topic a conversation began it always ended on the General. In his latter years, about his neck and beneath his tunic he wore the rosary he had made as a youth, and he would often be found telling his beads. He practiced what he felt, although in his sprightly and enthralling conversation, he introduced little of a religious nature, but you felt what you did not hear, you knew what you were not told.

Among the Doctor's most cherished possessions was a poem written in Spanish by his father shortly before his death, and which seems appropriate to repeat here:

Remember me! When frozen, cold,
My heart forever sleeps;
And over my abandoned grave
The tomb-flower softly creeps.
Never more to see thee! But my soul
Of fire immortal cannot perish!
And through the night's mysterious calm,
Borne on the sighs of zephyrs — cherish
And hear the voices dear, that
Say to thee — Remember me![4]

To the Dominican Fathers, the Doctor was very close, often lecturing to them on medical matters, as those Fathers were required to study Medicine. He died late in May, 1925, rich in years and service to his fellowmen. At his request he was interred in the white robes of the third order of St. Dominic.

GEORGE D. LYMAN, M. D.

[4] The translation is by Francisca Vallejo McGettigan, daughter of Doctor Vallejo and granddaughter of the General.

BOOK REVIEWS

James Bridger. Trapper, Frontiersman, Scout and Guide. A Historical Narrative (Illustrated). By J. Cecil Alter. With which is incorporated a verbatim copy, annotated, of James Bridger. A Biographical Sketch (Illustrated). By Maj. Gen. Grenville M. Dodge. Salt Lake City: Shepard Book Company, 1925. xvii + 546 pp. 8°.

In all his wanderings Jim Bridger probably never saw the shores of the Pacific but California holds him as much her own as though he had done so, for his fort and trading post on the old Salt Lake trail was a halfway station where many a worn-out emigrant train laid by for rest and repairs, to receive directions and perhaps to be fleeced by traders who rendezvoused there.

Nominally, Bridger's post at the time it was built and for ten years thereafter was within the political limits of Alta California as laid down upon the map which accompanied the treaty of Guadalupe Hidalgo, but the vast territory it served was of course without civil jurisdiction of any kind until after the Mormon hegira. In a letter to General B. F. Butler, requesting assistance in prosecuting his claim against the government for rental due on his property, Bridger stated that he was "authorized to establish" his Fort "and settle Salt Lake valley by the governor of Upper California," but in the final suit for claims, made after Bridger's death, this was changed to read: "Under the auspices of the governor of Chihuahua, 1843, before the Mexican war, Capt. James Bridger was induced under a promise by the government of a large grant of land, to establish a colony in Green River county, Utah, then Mexican territory." So, in the absence of definite title, there is still some uncertainty as to just where the eastern boundaries of California were supposed to lie.

Alter has skillfully brought together an interesting lot of biographical material relating to Bridger, mostly culled from well known early narratives and histories. His full presentation of the official documents concerning Bridger's claim is distinctly valuable, bringing to light, as it does, much hitherto overlooked data regarding the history of Bridger's famous fort; data that must be used with circumspection, however, owing to inaccurate statements of those who claim to have helped Bridger to build his post.

Without doubt the author's list of one hundred sources of Bridgerana could be extended at least another hundred titles if manuscript material and the rarer books and pamphlets were to be included. Most of these additional references would probably add but little to the picture, but

there are a few that might well have been substituted for the long quotations from Joe Meek's tales. Osborn Russell's *Journal of a Trapper* is a fresher and much more accurate account of Bridger's active part in the fur-trade of the thirties. Marsh's *Four Years in the Rockies,* another delightful source, might stimulate mental appetites jaded by overdoses of Meek's Mountain Lamb.

Alter quotes Mrs. Houghton, who rightly exonerates Bridger from blame in the Donner affair. Why rattle dead bones? McGlashan's information was doubtless obtained from the Reed family who forgot that Bridger could have had little interest in Hastings' choice of a route. It was the emigration to Oregon, not the California trains, from which Bridger gained the bulk of his trade before the days of '49.

Bridger will remain as one of the great central figures of western exploration and expansion. He traveled less extensively than such explorers as Jedediah Smith, Ewing Young and Joseph R. Walker, but his own arena, the Rockies, he knew more thoroughly than any other man of his time, and his services to the Government in its Indian campaigns and to the transcontinental road builders will not be forgotten. This book will help to keep green his memory and to furnish a more truthful picture than we have been lately treated to by the "movies."

The Battles of San Pasqual. A Study with map, itinerary and guide to the battle fields. By Charles Burr Todd. Pomona, California: Copyrighted by the Author (Progress Publishing Company), 1925. 23 pp. Map and 2 illustrations. 12°.

The bloodiest fight in which Americans engaged during the conquest of California was Stephen Watts Kearny's disaster at San Pasqual. Many accounts have been written and some of these tend to minimize the extent of Kearny's defeat. One of Todd's sources is Kearny's own report of December 13, 1846, which has neither novelty nor accuracy to recommend it.

The short description of the situation and present state of the battle grounds will be useful to visitors.

CHARLES L. CAMP.

Letters to a Pioneer Senator. Original Extracts from the Mail Bag of a California Statesman of the '50s. Edited by Albert Dressler, San Francisco, 1925. 37 pp. 3 ills. in text. 12°.

The Society has received a book in pamphlet form, with an attractive cover bearing the title "Letters to a Pioneer Senator." The letters are

a number, all bearing dates in the 50's, addressed to James W. Mandeville, who was first assemblyman and then senator from Tuolumne County. Among the authors are some prominent in the early history of the state, but there is not as much of historical interest in their contents as there is in the notes of the editor and the pictures of some of the early capitol buildings. The outstanding impression left by reading them is that the authors, although their political convictions were far more violent than those of this generation, were just as poor political prophets as their descendants.

ANSON S. BLAKE.

The Life and Letters of John Muir. By William Frederic Badè. In Two Volumes. Cambridge, Massachussetts: Houghton Mifflin Company, 1924. vi+399 pp. and 433 pp.+30 pp. of index. 2 ports. 8°.

The task was a colossal one which Dr. Badè set for himself in editing the letters of John Muir and carrying forward the incomplete autobiography published during Muir's lifetime. Muir was the conscientious writer of scores of note-books, enriched by pencil sketches, and a prolific letter-writer to his many friends. Some of the material had to be sought for across the continent and when all was brought together there was more than a large automobile full. But, bit by bit, combing the immense mass of documents turned over to him, searching for more to bridge the gaps, skillfully piecing together extracts from published books, from unpublished journals, memoirs and letters, supplying missing dates and localities from sketch-books and fortunately-recovered herbariums, Dr. Badè has constructed a continuous narrative and produced a biography which is almost an autobiography, so largely is the story told in the subject's own words. The volumes have an excellent index which adds much to their usefulness.

Since *The Story of My Boyhood and Youth* covers Muir's early life in Scotland and his years on the Wisconsin farm, this period has been condensed in the new Life, but it is given with enough particularity for one who has not read the earlier book to realize the hard, stern discipline which John Muir had to undergo at the hands of his inflexible and over-industrious father who required from his children steady work through the long summer days from four in the morning until sundown, most of it work suited to adults, and strong ones at that.

Before leaving Scotland at the age of eleven, John and the other children of Daniel Muir had been sternly drilled by Scotch schoolmasters, in Latin and French as well as in English branches; but when the work began of clearing and bringing under cultivation the Wisconsin

land there was little more schooling for any of them; for John only two months between eleven and twenty-two when he entered the University of Wisconsin. His preparation was won entirely by his own efforts, and his support during his college years was by the same means. In one summer, using the few minutes allowed him after his noonday meal, he worked through a higher arithmetic without help and later made his way through algebra, geometry and trigonometry. He read every book with any pretension to literature or history which the sparsely-settled neighborhood could furnish and saved all the small sums he could secure to buy more. When his father sternly drove him to bed at eight, telling him that if he must read he could get up early in the morning, John was out of bed at one, wide awake and ready for whatever enterprise he could carry on. Illy as his father liked the consequences of his decree, he kept his word and all winter the boy gloried in the five hours he daily saved from sleep. It was too cold for study or reading at that early hour, so he applied himself to the carrying out of several inventions he had in hand. He contrived a clock attachment for his bed which set him on his feet at any hour he wished, whittling the parts from wood and successfully putting them together. He made a small self-setting saw-mill, then other clocks of various devices, all of which worked well. He made a thermometer so sensitive that in cold weather the dial hand would move at the approach of a person, and later a contrivance for lighting his fire at a given time. Plainly he was a youth of rare mechanical genius. In later years, whenever he was employed in factory or mill, he improved the machinery and increased the output by some device of his own. Exhibiting some of his mechanical contrivances at the State Fair held in Madison, he attracted the attention of Professor and Mrs. Ezra S. Carr and made an acquaintance which ripened into permanent friendship and which was, doubtless, a strong influence in his life.

John Muir had made up his mind to go to college and left home for that purpose. He entered the University of Wisconsin with less than fifteen dollars in his pocket and supported himself through his three years by farm-work in vacations, by teaching and various other means. His father once sent him ten dollars with the admonition to "remember the poor heathen." He told him to let him know when he was in great distress and he would see what he could do. The son was frequently bringing his expenses for food within fifty cents a week. One would think that this might fulfill his father's proviso of "great distress." Only the possessor of a noble mind, a joyous spirit and a truly religious soul could have survived unscathed by morbidness or atheism such a youth as John Muir's, oppressed as it was by benumb-

ing hard work and the narrow religiosity and Bibliolatry of his father. But John Muir, when once he had found himself, kept on his way, rejoicing in the Lord and all His works. His vision embraced the universe, from trifling insect or plant to the starry heavens, and to him all was good. When he finally decided to leave the factory where his inventions were winning him a partnership he said: "God is making a world and I must be there to see." He began his thousand mile walk to the Gulf primarily to extend the knowledge of plant life which he had already obtained from intensive study of the regions about Madison, his Wisconsin home and parts of Canada; but his observations went far beyond plants. His note-book when he started was labelled "John Muir, Earth planet, Universe." He called our world "God's glorious star" and said he "would hardly accept a free ticket to the moon or to Venus, or any other world for fear it might not be so fraught with the glory of the creator as our own." "Thorns and thistles it shall bring forth to thee" he regarded as no curse. "Are not all plants beautiful, or some way useful, would not the world suffer by the banishment of a single weed?" "Those miserable hymns," such as, "This world is all a fleeting show for man's delusion given," he had no liking for, no place for in his religion of joy. He said soon after recovering from a threatened blindness, "I made haste to store my mind with the Lord's beauty and thus to be ready for any fate, light or dark. I bade adieu to my mechanical inventions, determined to devote the rest of my life to the study of the inventions of God."

Not the least interesting of Muir's experiences on his thousand mile walk was at Savannah where, his money running low, he camped in Bonaventure graveyard while waiting for more. He chose the place for his temporary home because he there felt secure from night- prowling negroes. Thirty-one years later he wrote to his wife from this spot: "Here I spent a hungry, weary, yet happy week."

Obliged to relinquish a trip to South America, which he had planned for the further study of plant life, his mind turned to California, and in March, 1868, Muir first set foot in the state of whose God-given attractions he was to be the greatest exponent, the state which he was to make his permanent home and to which he was to add distinction. Of his first view of the San Joaquin valley from Pacheco pass he wrote: "Looking down from a height of fifteen hundred feet, there, extending north and south as far as I could see, lay a vast flower garden, smooth and level as a lake of gold—the floweriest part of the world I had yet seen." The whole passage is one of great beauty. Muir's destination was the Yosemite, and from his entrance into the valley its wonder and magnificence seized him with a grip which was never relinquished.

His frugal fare on this excursion was mainly tea and cakes made from flour and water toasted over the coals, his total expenses for one month being about three dollars. Thoreau's average for eight months at Walden pond was only a dollar and nine cents a month; but Thoreau occasionally dined out, caught fish and raised some vegetables. Certainly Muir's fare was frugal almost to the point of starvation.

With intervals of caring for sheep and running a saw-mill, to provide himself with the little money he needed, Muir devoted several years entirely to the Yosemite and its vicinity, spending winters as well as summers in the valley, studying carefully the glaciers and their work and finally giving to the world his conclusion, that the valley was mainly formed by glacial erosion, a theory directly opposed to the pronouncement of the official State Geologist, Professor J. D. Whitney. It was during the winter of 1871-72 that Muir wrote his first letters for publication. He was urged to this by all his friends and grudgingly took time from his explorations to cull from and arrange his carefully-kept notes. He soon found the best periodicals open to him and eager for his articles.

In 1880 a great happiness came into his life with his marriage to Miss Louie Wanda Strentzel, the accomplished daughter of Dr. and Mrs. John Strentzel who had fled from Poland to America after the revolution of 1830. Miss Strentzel shared his love for flowers and sympathized with his pursuits, though they often took him far from home. In the intervals between his absences he became a skillful horticulturist and managed so well the part of the Strentzel ranch which he at first rented from his father-in-law that in ten years the few thousand dollars which he had when married had increased to what he considered an ample competency for his family and for all expenses of study and travel. Two daughters blessed the home, who married as they grew to womanhood. Mrs. Muir's death in 1905 made a grievous wound which only the mountains could heal. The home to which Muir's thoughts had lovingly turned whenever absent from it, was home to him no longer. Occasionally he worked there for a time, but the heart of it was gone and Muir did much of his writing thereafter in the homes of his friends which were ever open to him.

In these few pages one can scarcely touch even the salient points of John Muir's life, every year of which was crowded with interest and accomplishment. He was one of whom it could be said that he never allowed the good to crowd out the best. One wavers in this decision when one reflects on the works which he had planned which were left unwritten or incomplete while he devoted time and strength to the public good, seeking by letters, journalistic articles and interviews to

influence state and federal legislation in the preservation of National Parks for posterity, not only in the interests of healthful recreation and of passing on unimpaired to the next generation as much as possible of the beauty and grandeur which had been such an influence in his own life, but also in the interest, which his short-sighted opponents overlooked, of conserving the water supply so needful for California. Better than anyone else he knew the effect of denuded hillsides on springs and streams. To save the chief glories of California from grasping politicians and selfish interests, he devoted a large part of his later years, and we have lost the books he might have written; but he would have said the works of God were greater than anything which could come from his pen, and though we deplore our loss, we know that his choice was right. California owes him an inestimable debt of gratitude.

One would like to tell of the days with Emerson in the Yosemite, "warmed in the light of his face as at a fire"; of the nights alone with Roosevelt under the stars; of the many notable men he conducted to his beloved haunts who remained his friends for life; of the five Alaskan trips, including the renowned Harriman expedition; of the trip to Europe, to India, Egypt, Australia, New Zealand, Hong Kong, Japan and Honolulu; of the long-deferred visit to South America and to Africa, of the honors bestowed upon him by Eastern universities, but it is all in these two volumes which are crowded with interest on every page. One anecdote which Dr. Badè has told, but not in these pages, is too characteristic to be omitted. One evening when John Burroughs and Muir were together in the Sierras, Muir called Burroughs' attention to an especially glorious sunset. To Muir's remonstrance at Burroughs' seeming lack of enthusiasm the latter replied, "I do not wear my heart upon my sleeve." "Mon," said Muir, dropping into his Scotch vernacular, as he sometimes did when strongly moved,—"Mon, what do I care where you wear your heart when the Lord lets down a piece of Heaven to earth."

In early life Muir wrote: "I should be ashamed—if shame might be in the other world—if any of the powers, virtues or essences, etc. should ask me for common knowledge concerning our world which I could not bestow." To the pursuit of this knowledge Muir gave the time and energy which other men give to business or professions, and, as far as possible, he shared his gains with us.

Muir died in 1914 and was buried by the side of his wife on the home ranch in the sunny Alhambra Valley, near Martinez. Years before, he had noted the trees at the head and foot of Emerson's grave in Sleepy Hollow Cemetery at Concord. Trees as beautiful now wave over his own.

This Life is mainly the story of John Muir the naturalist; that is, John Muir as related to the public, but we get many delightful glimpses of John Muir the man; of the son who carried over into manhood no hard feelings toward the father who had cramped his youth, whose filial connection with both father and mother was so strong that without warning from the outside, but from a mystic inward urge he hastened twice half across the continent to be with them at the end; of the brother who wrote to his sister, "Though my lot is to wander, my heart is at home—Distance ought not to separate us—Do not consider me absent, but gone out a little distance to look at the Lord's gardens"; of the husband who wrote: "Only they who do not love may ever be apart. There is no true separation for those whose hearts and souls are together"; of the father who, when absent, seemed never too busy for a letter to his "wee ones"; and more than glimpses of the many acquaintances which all seemed to ripen into warmer relations, so friendly was the spirit of the man and so delightful was his talk. Dr. Badè says: "Such was the brilliance of his conversation during the decades of his greatest power that the fame of it still lingers as a literary tradition in California," and his friend, Mrs. John Swett, writing to Miss Strentzel upon the announcement of their engagement, said: "But I hope you are good at hair-splitting argument. You will need to be to hold your own with him. Five times to-day has he vanquished me. Not that I admitted it to him—no, never! He not only excels in argument, but always takes the highest ground—is always on the right side."

From Muir's own words in spontaneous outbursts, never in the cant of hackneyed phrases, we divine the deep religious feeling of the man. Writing to his brother from the Yosemite he said: "The glory of the Lord is upon all his works; it is written plainly upon all the fields of every clime, and upon every sky, but here, in this place of surprising glory, the Lord has written in capitals." After describing a happy Thanksgiving feast among friends, he added: "A crust by a brookside out on the mountains with God is more than all, beyond comparison." To an old friend he wrote: "Rocks and waters are words of God, and so are men. We all flow from one fountain Soul—all are expressions of one Love—He flows in grand undivided currents, shoreless and boundless, over creeds and forms and all kinds of civilizations and peoples and beasts." Of the possibility of writing his autobiography he said: "I begin to see that such a book would offer fine opportunities here and there to say a good word for God." Best of all tests of his religion, it made him happy. Of his early years of loneliness, hard work and discouraging obstacles, he wrote: "I have been very happy and strong through it all—the happiest man I ever saw."

John Muir was a man of many capacities. He was a great explorer, naturalist and writer of beautiful, lucid prose. Had he chosen he might have been a poet. No prose ever clothed more poetic thoughts than his. Without doubt he might have been an inventor of note. His mechanical genius was early made manifest. And had he followed his first choice and become a physician, his capacity for study and hard work and his love of humanity, together with his inventive skill, without doubt would have carried him far.

Whether or not he gained greater fame in the pursuits he finally chose than any of these other possibilities might have brought him, no man can tell, but we may be quite sure that for us, for our whole country and for future generations his choice has brought great gain.

HELEN THROOP PURDY.

Life in California Before the Conquest. By Alfred Robinson. Reprinted from the first edition, published in New York in 1846, and corrected typographically, with Synopses of the Chapters, and Foreword and Notes, by Thomas C. Russell. The Private Press of Thomas C. Russell, 1734 Nineteenth Avenue, San Francisco, 1925. xxvii+316 pp. Seven illustrations. 8°.

This latest issue from the private press of Mr. Thomas C. Russell has been prepared with the same meticulous care which he has bestowed upon his other reprints. Typographically the work is choice and the format is all that could be desired.

The first edition of Alfred Robinson's *Life in California* was published in New York in 1846. It was intended by the author as an introduction to his translation of Padre Boscana's Historical Account of the Indians of California, which was included in the book. It was illustrated by seven lithographs, six of them made from drawings by Mr. Robinson. In 1851 an edition was published in London. In 1891 Mr. William Doxey of San Francisco published a new edition from which the illustrations and Padre Boscana's account were omitted, but to which was added an appendix by Mr. Robinson, bringing the narrative forward to the anti-Chinese riots in the seventies. This edition being exhausted, another printing or new edition was issued in 1897. This also has long been out of print and the book is quite difficult to obtain in any of its editions.

Mr. Robinson came to California in 1829, six years before Richard H. Dana's arrival. His narrative gives a circumstantial account of all the missions as he found them, of the state of the country, and of the

family life and amusements of the Californians from the point of view of one who not only mingled with them intimately, but who married a daughter of one of the most prominent families. Thus the book is invaluable to those interested in the early American trading days on this coast, and Mr. Russell has again placed us in his debt by this reprint which lacks only four years of marking the centennial of Alfred Robinson's arrival in California.

Mr. Russell has followed the first edition, and so the appendix added by Mr. Doxey is omitted, but the illustrations are restored by mezzotint plates of the original lithographs. He has also added forty-two pages of valuable notes, concerning the missions and men prominent in those times. The initials which were at first used by Mr. Robinson, Mr. Russell has replaced by full names. He has preceded the narrative by an interesting Foreword which includes a sketch of Mr. Robinson's life. This sketch he states he may later expand into a separate publication. Each chapter is preceded by a very full synopsis, much more detailed than those of the other editions, and embellished by head- and tail-pieces, all of the latter of some historical significance.

HELEN THROOP PURDY.

The Epic of the Overland. By Robert L. Fulton. San Francisco, A. M. Robertson, 1924. xii pp. + 109.

Robert L. Fulton, the author of this little volume, was one of the actors in the drama of overland railroad construction. Only a few are left who made their entrance on that scene prior to the memorable day in May, 1869, when the Golden Spike was driven — fewer still are left whose positions gave them a broad view of the stage — all the chief actors have departed. So it is well that the few survivors should set down their recollections and tell us of what they saw and knew. Oftentimes some such personal touch enlivens and gives significance to an otherwise meaningless event or period.

Fulton first came to the Union Pacific as a night telegrapher at Piedmont, "in the heart of the Rocky Mountains," while construction was still in progress. Soon he was a division train dispatcher, and later he was transferred to the Central Pacific as land agent. Nevada became his home, and he engaged in publishing, dabbling at times in politics. His tales of the rough and riotous days when the Union Pacific was coming into being are diverting because of the personal experiences that are woven into the narrative, and while he was not with the Central Pacific before the completion of construction, he includes much interesting material covering the early days of that road, gleaned from

such leading men as J. H. Strobridge, the superintendent of construction. Another of his chief informants also appears to have been one Benjamin F. Leete, who served as an assistant to Theodore D. Judah at an even earlier date, and was still living (at the age of ninety) when this book was written.

Where Fulton sticks to anecdote, his work seems of real interest and value. His statements of general history are, however, less successful, particularly as he does not disclose the sources of most of his statements. He appears to have accepted at its face value the claim of Dr. Daniel W. Strong (made many years after the event) that he (Strong) was the true discoverer of the "Dutch Flat Route" for a railroad across the Sierra. He declares that Judah took James Bailey, the Sacrameto jeweler who was one of the original Central Pacific incorporators, with him when he sailed for Washington in October, 1861, to obtain passage of the Pacific Railroad Bill, — a statement which seems clearly erroneous. Moreover, the tale of Huntington "trudging the streets" of New York after money sounds a bit far-fetched, though it has been told and retold before. Huntington had a hard enough time to raise money without being made to "trudge the streets" for it.

Indeed, it is to be regretted that Mr. Fulton felt the need of going over quite so much general ground when the work, including his own reminiscences, is of such small compass. The true "Epic of the Overland" would require many such volumes. He has not told it. But the "Epic of Robert Fulton's Life and Experiences" would have been of real interest, and unfortunately there is all too little of it here included.

However, this book cannot be overlooked in any bibliography of the railroad building period. It recalls many an old tale, but there are enough new ones to give it interest and value. As Fulton himself says of this important episode in the peopling of the Continent:

> "It is a chapter which history can never repeat. There is no place left on earth where one generation can accomplish so much."

CARL I. WHEAT.

MEETINGS OF THE SOCIETY

Colonel George W. Stewart of Visalia, formerly a newspaper editor, spoke before the California Historical Society at the Hotel St. Francis, in San Francisco, Tuesday, May 26, on "The Yokut Indians of the San Joaquin Valley."

Colonel Stewart has devoted many years to the study of aboriginal traits and legends. He finds that the Yokuts, like most other native tribes, appear to think that it is requisite for them to formulate a theory of creation.

The Yokuts fail to agree with either Darwin or Bryan. Their theories of evolution reach back to the time when Tulare Lake was the entire world, and the only solid thing in sight was a thin willow stump. Two living creatures appeared — a crow and a hawk — but the Yokuts do not attempt to explain their origin. As there was only one roosting spot in the world it was necessary for the crow and the hawk to take turns in resting on the willow stump, because it was too small to accommodate both at the same time. Neither could swim, and they became weary of dividing their time between flying and resting. So they struck a truce, held an aerial convention, flying side by side, and agreed to create man, and all other living things.

These new creatures multiplied and finally dug material from the bottom of the lake with which to build up the mountains and the surrounding country. Men usurped authority and with characteristic ingratitude deposed the hawk and the crow from their rulership of the world. Thus ends the Yokut Genesis.

The Yokuts have a snake dance similar to that of the Arizona Indians. They were originally of an independent nature, but not so warlike as the Indians east of the mountains, due to the easy life they were able to lead because food of every description was plentiful.

In this tribe a medicine man is all right until his third patient dies, and then he is killed, without resistance on his part. He seems to accept that fate as justly his due.

Recent investigations have led to the belief that the Yokuts comprised a branch of the ancient Piutes of Nevada.

James Madison, playwright and theatrical manager, gave a racy account of pioneer actors and actresses at the meeting of the Society held at the Hotel St. Francis, in San Francisco, June 25, 1925. The speaker's topic was "Early San Francisco Theatres and Theatrical Folks."

During Mr. Madison's rapid-fire talk a procession of theatrical characters thronged the stage, episodes made true to life by portraits and reproductions of theatrical programs. Unusual interest in the subject was shown by a large attendance of members and guests.

Stephen C. Massett, who called himself "Jeems Pipes of Pipesville" is said to have been the first professional theatrical performer in San Francisco. Massett played a lone hand at a hall opposite Portsmouth Square, June 22, 1849. Some say it was the front office of the police department, but this point is still undecided. The first row of seats was reserved for the ladies, and four were present. Admission was $5, a price that appeared to be justified by the expense account, one charge being $16 for moving a piano from the opposite side of the street to the room where the entertainment was held.

The speaker gave a list of distinguished actors and actresses, including the elder Junius Brutus Booth, Edwin Booth, Joe Murphy, the Worrall Sisters, Lew Rattler, the unlucky but irrepressible Tom Maguire, James Stark, Joe Jefferson, J. H. McCabe, Matilda Heron, Lola Montez, Adah Isaacs Menken, John McCullough, Lawrence Barrett, Frank Mayo, Jeff De Angelis (at first called Thomas Jefferson De Angelis), Ned Buckley, Yankee Robinson, Rowe (the circus man who managed bull fights), Maggie Moore, J. C. Williamson, George Lask, Katherine Hayes, Anna Bishop, Mrs. D. P. Bowers, James Murdock, Anna Thillon, Julia Dean Hayne, Harry Montague, George Osbourne (original name Gedge), Lew Dockstader (original name Lew Clapp), Billy Emerson and his big sunflower, Ned Harrigan (subsequently of the team of Harrigan and Hart), the Allen Sisters, Willie Collier, Charley Reed, William A. Brady (subsequently a theatrical magnate in New York), Modjeska, McKee Rankin, Nance O'Neill, Flora Walsh (who married Charles Hoyt), Lotta Crabtree, Alice Neilson, L. R. Stockwell, the Kreling family, Mr. and Mrs. F. M. Bates, Blanche Bates, Mrs. C. W. Sinclair (the divorced wife of Edwin Forrest), David Belasco, Minnie Maddern Fiske, Leslie Carter, Duncan Ross and his horseback broadside duels on Telegraph Hill, Robert B. Woodward and his famous Woodward's Gardens, and hundreds of others of the showmen's profession.

No luncheon meeting was held during the month of July.

WELLS DRURY.

San Francisco, Cal., June 22, 1925.

To the President
and Members of the Board of Directors
of the California Historical Society:

Our third exhibition was in the nature of a Naval-Historical Exhibit, stressing the activities of the U. S. Navy in the acquisition of California, and featuring the Harbor of San Francisco. It was displayed in suite 261-262, Hotel St. Francis, from April 6th to 15th, 1925, and remained open from 10 A.M. to 10 P.M. daily. It was held in conjunction with the Citizens Committee for the entertainment of the officers and men of the visiting American fleet, which organization shared the major part of the expense.

The material exhibited was particularly strong in original documentary material covering the period, consisting of: the original Sloat collection of documents lent by Mr. C. Templeton Crocker; the original log book of the U. S. Frigate *Savannah,* kept by Midshipman Robert C. Duval, recording in detail the daily activities of the Navy, lent by Dr. J. E. Cowles; and the log books of the *Columbus,* the *United States,* and the *Savannah* up to and subsequent to the acquisition of California, kept by Midshipman William P. Toler, who, under Commodore John D. Sloat, raised the American flag at Monterey, July 7, 1846, and who had previously raised it at the same place on October 19, 1842, under Commodore T. Ap Catesby Jones,—lent by the Toler family. Eight other naval documents appertaining to the subject were also lent by the Toler family. Models of three boats, to-wit: *Concepcion, Flying Cloud* and the *San Francisco* were exhibited. Two oil paintings of the *San Carlos,* lent by Mr. W. A. Coulter attracted considerable attention.

There were 352 items exhibited. Ten cases, and wall racks which were specially made, were required for the display.

Among the guests were: Commander Duncan N. Wood, grandson of Commander John B. Montgomery of the U. S. *Portsmouth*; Mr. J. B. Whittemore, great grandson of Commodore John D. Sloat; and Mr. J. Hoyt Toler, son of Midshipman William P. Toler.

Besides those previously mentioned, the following were among the exhibitors: Phil. B. Bekeart, Anson S. Blake, Miss Gertrude A. Burnett, W. H. Davis, Fred M. DeWitt, John S. Drum, Albert Dressler, Boutwell Dunlap, Alfred I. Esberg, S. & G. Gump Company, John Howell, Judge Grant Jackson, William C. Latham, E. R. Moffitt, Oakland Free Library, Pacific Mail S. S. Co., Senator James D. Phelan, Mrs. E. A. Sherman, L. S. Slevin, D. Q. Troy and H. R. Wagner.

Very truly yours,

FRED M. DEWITT,
Chairman of Exhibit Committee.

IN MEMORIAM

Joseph Kellogg Hutchinson

Joseph Kellogg Hutchinson, a descendant of California pioneers, a native of San Francisco and a member of a distinguished San Francisco law firm, died in Paris, France, August 16, 1925. Mr. Hutchinson left California late in July, in order to consult with some of his clients in France. While in New York, he contracted his fatal illness, but sailed as scheduled although he never left his stateroom, and succumbed to the malady soon after his arrival in Paris.

Mr. Hutchinson was born November 25, 1888, the son of Joseph and Kate Kellogg Hutchinson, and grandson of James Sloane Hutchinson, a San Francisco banker in the 'fifties. He received his preliminary education at Belmont in the days when Mr. Reid was at the head of that institution. Subsequently he graduated from Stanford University, receiving his LL.B. degree with the class of 1911.

During the Great War he was a lieutenant, junior grade, with the U. S. Navy.

As a lawyer, he was creating a brilliant position for himself, being intrusted with cases of magnitude and importance, notably the litigation relating to the title and development of the Trona potash deposits at Searles Lake. Death overtook him on a mission connected with his practice.

His was an affable, attractive personality, and he took a great interest in all matters pertaining to the history of California. He had assembled an unique collection of Californiana and was one of the prime enthusiasts in augmenting that of the Pacific Union Club, which numbers among others, over a thousand of the choicest California items.